

ALJ/ZK1/sgu
12)

PROPOSED DECISION Agenda ID #21009 (Rev.

Ratesetting
~~11/3/2022~~12/1/2022 Item #~~224~~224

Decision **PROPOSED DECISION OF ALJ KLINE** (Mailed 9/30/2022)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of California-American
Water Company (U210W) to Obtain
Approval of the Amended and
Restated Water Purchase Agreement
for the Pure Water Monterey
Groundwater Replenishment Project,
Update Supply and Demand Estimates
for the Monterey Peninsula Water
Supply Project, and Cost Recovery.

Application 21-11-024

**DECISION AUTHORIZING CALIFORNIA-AMERICAN WATER COMPANY TO
ENTER INTO THE PURE WATER MONTEREY GROUNDWATER
REPLENISHMENT EXPANSION PROJECT, AND AUTHORIZING THE
CONSTRUCTION OF FOUR COMPANY-RELATED FACILITIES AND
ASSOCIATED RATEMAKING TREATMENT**

TABLE OF CONTENTS

<u>Title</u>	<u>Page</u>
DECISION AUTHORIZING CALIFORNIA-AMERICAN WATER COMPANY TO ENTER INTO THE PURE WATER MONTEREY GROUNDWATER REPLENISHMENT EXPANSION PROJECT, AND AUTHORIZING THE CONSTRUCTION OF FOUR COMPANY-RELATED FACILITIES AND ASSOCIATED RATEMAKING TREATMENT	1
Summary	2
1. Factual Background	3
1.1. Regional Desalination Project	3
1.2. MPWSP	5
1.2.1. Groundwater Replenishment	5
1.2.1.1. PWM Project	6
1.2.1.2. PWM Expansion Project	7
1.2.2. Desalination Plant and Remaining Cal-Am Facilities	9
2. Procedural Background	10
3. Jurisdiction	13 12
4. Issues Before the Commission	13
5. Need for Additional Water Supply Source for Cal-Am's Customers on the Monterey Peninsula	14
6. Authorization to Enter into the Amended and Restated Water Purchase Agreement and to Construct Three Company-Related Facilities	17
6.1. Sources of Supply Water	17
6.2. Development Costs	20
6.3. Prices for Sales of Treated Water	21
6.4. Contractual Details	23 22
6.4.1. Operative Provision No. 15 – Annual Budget Review	24 23
6.4.2. General Provision No. 18 – Rate Recovery for Treated Water	25 24
6.5. Environmental Effects	26 25
6.6. Necessary Permits	30 29
6.7. Water Quality	31
6.7.1. Concerns with Water Quality	33 32
6.8. Sources of Funding	36 35
6.9. Company-Related Facilities – Description, Construction Schedule, and Forecast Costs	37 36
6.9.1. EW-1, EW-2, and Chemical Treatment Facility	37 36
6.9.2. EW-3, EW-4, and Associated Piping	38 37
6.9.3. Carmel Valley Pump Station	39 38
6.9.4. General Jim Moore Parallel Pipeline	39 38

TABLE OF CONTENTS

<u>Title</u>	<u>Page</u>
6.10. Broader Principles.....	40 <u>39</u>
7. Ratemaking Treatment for Company-Related Facilities.....	42 <u>41</u>
7.1. Used and Useful Determination and Rate Base Adjustment Issues for the Parallel Pipeline, 1,100-foot section of the Transfer Pipeline, and the Carmel Valley Pump Station.....	46 <u>45</u>
7.1.1. Parties' Positions.....	46 <u>45</u>
7.1.2. Discussion.....	49 <u>48</u>
7.2. Addressing the Reasonableness of Company-Related Facilities.....	53 <u>51</u>
7.2.1. Parties' Positions.....	53 <u>51</u>
7.2.2. Discussion.....	55 <u>53</u>
7.3. Setting the AFUDC Rate at the Actual Weighted-Average-Cost-of-Debt.....	57 <u>56</u>
7.3.1. Parties' Positions.....	58 <u>57</u>
7.3.2. Discussion.....	59 <u>58</u>
7.4. Removing Labor Overhead from the AFUDC.....	62 <u>60</u>
7.5. Recovery of Costs above the Cost Cap.....	62 <u>60</u>
8. Public Comments.....	63 <u>61</u>
9. Comments on Proposed Decision.....	64 <u>62</u>
9.1. Authorization to Construct the EW-1/EW-2 Facility.....	64 <u>62</u>
9.2. Claims of Retroactive Reduction of Cal-Am's AFUDC.....	66 <u>64</u>
9.3. Status of the MPWSP.....	69 <u>67</u>
9.4. Parties' Request to Adopt Water Demand Estimate.....	70 <u>68</u>
9.5. Parties' Characterization of the PWM Expansion Project as an Alternative to the Desalination Plant.....	71 <u>69</u>
9.6. The Purpose of the Carmel Valley Pump Station.....	72 <u>70</u>
9.7. Use of a Saturation Adjustment.....	73 <u>71</u>
9.8. Other Technical and Factual Errors.....	74 <u>72</u>
10. Assignment of Proceeding.....	77 <u>75</u>
Findings of Fact.....	77 <u>75</u>
Conclusions of Law.....	85 <u>83</u>
ORDER.....	89 <u>87</u>

Appendix A – Amended and Restated Water Purchase Agreement

Appendix B – System Schematics

Appendix C – Mitigation and Monitoring Requirements

Appendix D – Permits Required for Company Related Facilities

TABLE OF CONTENTS

<u>Title</u>	<u>Page</u>
Appendix E – Map of PWM Expansion Project Facilities and Other Relevant Facilities on the Monterey Peninsula	
Appendix F - Detailed Cost Estimate	

DECISION AUTHORIZING CALIFORNIA-AMERICAN WATER COMPANY TO ENTER INTO THE AMENDED AND RESTATED WATER PURCHASE AGREEMENT FOR THE PURE WATER MONTEREY GROUNDWATER REPLENISHMENT EXPANSION PROJECT, AND AUTHORIZING CONSTRUCTION OF FOUR COMPANY-RELATED FACILITIES AND ASSOCIATED RATEMAKING TREATMENT

Summary

This decision supports the proposed expansion to the Pure Water Monterey Groundwater Replenishment Project (PWM Expansion Project) as a near-term source of water for California-American Water Company's (Cal-Am's) customers on the Monterey Peninsula.

This decision authorizes Cal-Am to enter into the Amended and Restated Water Purchase Agreement with the Monterey Peninsula Water Management District and Monterey One Water for the PWM Expansion Project. Cal-Am is also authorized to construct four Company-related facilities up to the following cost caps: (1) \$16,723,704 for extraction wells EW-1 and EW-2, and the chemical treatment facility; (2) \$30,220,960 for extraction wells EW-3, EW-4, and associated piping; (3) \$6,475,243 for the Carmel Valley Pump Station; and (4) \$8,264,655 for the General Jim Moore Parallel Pipeline. Cal-Am is authorized to seek rate recovery for Company-related facilities costs up to the cost cap using a Tier 2 Advice Letter and is authorized to request cost recovery for costs incurred above the cost caps through its next applicable general rate case filing.

This proceeding remains open to consider updated water supply and demand estimates for the Monterey Peninsula Water Supply Project. Cal-Am must file a "Response to Inquiry" providing additional information discussing the extent of mercury above maximum contamination levels in the vicinity of aquifer storage and recovery well ASR-4, the potential for mercury to impact

extracted water from the EW-1/EW-2 facility, any proposed remedial action necessary to address the mercury contamination, and the potential cost impacts from mercury treatment as a Tier 3 advice letter to the Commission's Water Division within 30 days of the issuance date of this decision.

1. Factual Background

California American Water Company (Cal-Am or Company) has been looking to provide ~~alternative~~alternatives to Carmel River water sources~~-of water~~ to its customers on the Monterey Peninsula since 1995, when the State Water Resources Control Board (SWRCB) issued a cease and desist order requiring Cal-Am to stop the unlawful diversion of 10,730 acre-feet per year (AFY) of water from the Carmel River.¹ In 2009, the SWRCB issued a second cease and desist order with a firm December 31, 2016 deadline for compliance,² which the SWRCB subsequently extended to December 31, 2021.³

The instant application (Application (A.) 21-11-024) relates to two water supply projects contemplated by Cal-Am and approved by the Commission to address water supply issues on the Monterey Peninsula since 1996, including: (1) the Regional Desalination Project, discussed in Section 1.1; and (2) the Monterey Peninsula Water Supply Project (MPWSP), discussed in Section 1.2.

1.1. Regional Desalination Project

In Decision (D.) 10-12-016, the Commission authorized the Regional Desalination Project, the key components of which included: (1) a 10 million gallons per day (mgd) desalination plant owned, operated, and maintained by

¹ SWRCB Order WR 95-10 (Jul. 5, 1995).

² SWRCB Order WR 2009-0060.

³ SWRCB Order WR 2016-0016.

the Marina Coast Water District (MCWD); (2) six source water wells owned, constructed, operated, and maintained by the Monterey County Water Resources Agency; and (3) an outfall for the return of brine to the sea which would be owned, operated, and maintained by the Monterey Regional Water Pollution Control Authority (now operating as Monterey One Water (M1W)).⁴ A groundwater replenishment project was considered but not adopted at that time.⁵

Cal-Am facilities approved as part of the Regional Desalination Project included “three large diameter conveyance pipelines (the Transfer Pipeline, the Seaside Pipeline, and the Monterey Pipeline, which also includes the Valley Greens Pump Station), two distribution storage reservoirs (the Terminal Reservoirs), and aquifer storage and recovery facilities.”⁶ Construction of these new aspects of the Regional Desalination Project facilities was anticipated to begin in the fourth quarter of 2010 and be completed by the summer of 2014.⁷

In 2012, the Commission revisited the Regional Desalination Project and determined that Cal-Am’s withdrawal from that project was justified given the insurmountable problems that were fatal to that project and acknowledged that “we see no alternative but to move forward with ... the Monterey Peninsula

⁴ D.10-12-016 at 58; Application at 3.

⁵ The Seaside Groundwater Basin Replenishment Project proposed reverse osmosis treatment of recycled water from the M1W treatment plant at an Advanced Water Treatment Plant, for subsequent injection of treated water for groundwater recharge. (D.10-12-016 at 43.)

⁶ D.10-12-016 at 129, 205 (Ordering Paragraph (OP) 7).

⁷ *Id.* at 129.

Water Supply Project” instead to ensure reasonable water supply source for the region.⁸

1.2. MPWSP

In 2012, Cal-Am filed an application⁹ seeking approval for the MPWSP to meet the water supply needs of the Monterey Peninsula customers by 2016 from three sources: (1) aquifer storage and recovery (ASR);¹⁰ (2) groundwater replenishment; and (3) a desalination plant. Cal-Am also proposed an alternative of either a 9.6 mgd desalination plant or a 6.4 mgd desalination plant paired with groundwater replenishment. The Commission ultimately approved a modified MPWSP and adopted the latter alternative (6.4 mgd desalination plant paired with a groundwater replenishment component) in D.18-09-017.

1.2.1. Groundwater Replenishment

The instant application involves the groundwater replenishment component of the MPWSP, which consists of two related projects: (1) the Pure Water Monterey Groundwater Replenishment Project (PWM Project), previously approved in D.16-09-021 and discussed in Section 1.2.1.1 and (2) 2,250 AFY expansion of the PWM Project (PWM Expansion Project), proposed in A.12-04-019 and the instant application and described in Section 1.2.1.2.

1.2.1.1. PWM Project

⁸ D.12-07-008 at 19.

⁹ A.12-04-019.

¹⁰ The Monterey ASR project involves the injection of excess Carmel River water into the Seaside Groundwater Basin for later extraction and use. Future water sources for ASR may include the PWM Project, PWM Expansion Project, and a desalination plant.

In 2016, the Commission approved the groundwater replenishment component of the MPWSP called the PWM Project.^{11,12} The PWM Project is a water supply project operated by M1W, which provides: (1) purified recycled water for recharge of a groundwater basin that serves as a drinking water supply; (2) purified recycled water for urban landscape irrigation within the MCWD service area; and (3) recycled water to augment the existing Castroville Seawater Intrusion Project's agricultural irrigation supply.¹³ It "also includes a drought reserve component to support use of the new supply for crop irrigation during dry years."¹⁴ M1W operates the wastewater treatment plant and sells the treated groundwater to Monterey Peninsula Water Management District (MPWMD). MPWMD, in turn, sells the treated water to municipal and public utilities, including Cal-Am.

Under the Water Purchase Agreement (Original WPA) authorized by the Commission in 2016, M1W and MPWMD were contracted to supply 3,500 AFY of treated water to Cal-Am for a term of 30 years, at a first-year price of \$1,720/acre-feet (AF).¹⁵ The PWM Project was expected to begin operation in 2018.¹⁶ It began operation on February 7, 2020, delivering 990 AF in 2020 at a cost

¹¹ D.16-09-021.

¹² While this project is referred to by parties in this proceeding as the PWM Project, it is also referred to as "GWR" in prior Commission decisions. (D.16-09-021; D.18-09-017.)

¹³ Application, Appendix D at 1.

¹⁴ *Ibid.*

¹⁵ D.16-09-021.

¹⁶ *Id.* at 21.

of \$ 2,442/ AF¹⁷ with expectation to deliver 3,500 AF in 2021.¹⁸ Though the water deliveries during 2021 reached 300 AF/month at a cost of \$2,808,¹⁹ one of the wells used for groundwater extraction, ASR-1, became inactive in September 2021, as discussed further in Section 6.7.1.

1.2.1.2. PWM Expansion Project

In 2018, the Commission initially considered the proposal to expand the PWM Project, which was expected to provide an additional 2,250 AFY of purified recycled water for injection into the Seaside Groundwater Basin and subsequent extraction of the same quantity to Cal-Am's existing potable water supplies, but deferred approval of the project because: (1) at that time, the PWM Project was not yet a proven technology; and (2) it did not meet groundwater peak annual flow or peak day flow requirements for Cal-Am's water supply needs.²⁰

However, the Commission directed Cal-Am to study and report on the feasibility of the PWM Expansion Project and potential for entering into a related water purchase agreement by filing a Tier 2 Advice Letter within 180 days of the issuance of D.18-09-017.²¹ Also, in the event that the 6.4 mgd desalination plant was not expected to be completed by December 31, 2021, the Commission allowed Cal-Am to file an application for approval of a water purchase agreement for an expansion to the PWM Project, for up to 2,250 AFY, through an application which included the following: (1) sources of supply water; (2) development costs; (3) prices for sales of the developed water; (4) contractual

¹⁷ Cal-Am AL 1298 at 2.

¹⁸ D.22-03-038 at 4.

¹⁹ Cal-Am AL 1336 at 2.

²⁰ D.18-09-017 at 211 (FOFs 18,19).

²¹ *Id.* at OP 37.

details; (5) environmental effects; (6) potential to obtain necessary permits; (7) water quality; (8) sources of funding; (9) possible related facilities; and (10) other information necessary and relevant for the Commission to make an informed, just and reasonable decision, including details as to supply and production, including not only during average rainfall years but also during a multi-year drought and the timing of expanded production.²²

In 2019, Cal-Am submitted AL 1231 as ordered in D.18-09-017 and reported that “the potential PWM expansion [was] still being developed and was not yet at a point where [Cal-Am] could determine whether it should be used.”²³ Cal-Am also stated that the authorized MPWSP desalination plant was proceeding according to schedule at that time and Cal-Am believed the desalination plant was expected to come online prior to December 31, 2021.²⁴

Meanwhile, for several years, M1W worked to prepare the environmental document for the PWM Expansion Project, and on April 26, 2021, the M1W certified the Supplemental Environmental Impact Report (SEIR) for the PWM Expansion Project.

On May 4, 2021, MPWMD filed a complaint before the Commission against Cal-Am, Case (C.) 21-05-005, alleging Cal-Am failed to ensure an adequate water supply to its customers on the Monterey Peninsula and requesting a Commission order requiring Cal-Am to enter into a water purchase agreement for the PWM Expansion Project.²⁵ M1W, MPWMD, and

²² *Id.* at 42-43.

²³ Cal-Am AL 1231 at 2.

²⁴ *Ibid.*

²⁵ C.21-05-005.

Cal-Am eventually agreed on the terms for a water purchase agreement for the PWM Expansion Project on September 22, 2021.²⁶

By ruling, dated October 26, 2021, the assigned Administrative Law Judge (ALJ) in C.21-05-005 ordered Cal-Am to file an application for Commission consideration of the WPA within 30 days of the date of the ruling.²⁷ On November 29, 2021, Cal-Am filed the instant application for, among other things, approval of the Amended and Restated WPA for the PWM Project expansion (Amended WPA). On March 3, 2022, C.21-05-005 was dismissed as moot.²⁸

1.2.2. Desalination Plant and Remaining Cal-Am Facilities

In 2018, the Commission authorized construction of a 6.4 mgd desalination plant²⁹ and the “Remaining Cal-Am Only Facilities.”³⁰ The Commission found that the desalination plant (expected to produce 6,250 AFY in non-drought years and 7,167 AFY in drought years) would meet Cal-Am’s need for an additional 4,956 AFY of water from ~~an alternative water~~^a source other than the Carmel River by December 31, 2021, which would in turn allow Cal-Am to comply with SWRCB Order WR 2016-0016.³¹ At the time of the Commission’s authorization, the desalination plant was expected to be completed by December 31, 2021. The

²⁶ A.21-11-024 Application at Attachment A.

²⁷ D.22-03-038 at 8.

²⁸ D.22-03-038.

²⁹ The desalination portion of the project is made up of slant wells, source water pipelines, the desalination plant, product water pipelines, brine disposal facilities, ASR Wells, and related appurtenant facilities. (D.18-09-017 at 99.)

³⁰ “Remaining Cal-Am Only Facilities” consist of the Aquifer Storage and Recovery (ASR) Pipeline, the ASR Recirculation and Backflush Pipelines, and the Valley Greens Pump Station.

³¹ D.18-09-017 at 187.

Commission also indicated an intent to require Cal-Am to submit a separate application or to issue an Order Instituting Investigation (OII) to determine the reasonableness of Cal-Am's expenditures, if the desalination plant was not constructed in a timely manner or failed to operate appropriately.³² To date, the 6.4 mgd desalination plant has not been constructed.

2. Procedural Background

On November 29, 2021, Cal-Am filed this instant application, A.21-11-024 (Application), requesting: (1) authority for Cal-Am to enter the Amended WPA, included in Appendix A, and (2) authorization to construct, and associated rate recovery, for four Company-related facilities Cal-Am considers necessary to bring water purchased under the Amended WPA to Cal-Am's customers, and (3) updated supply and demand estimates for the MPWSP (Application). The four company-related facilities requested by the Application are (a) extraction wells EW-1 and EW-2, and a water treatment facility (EW-1/EW-2 facility); (b) extraction wells EW-3 and EW-4 and associated piping (EW-3/EW-4 facility); (c) the Carmel Valley Pump Station; and (d) the General Jim Moore Parallel Pipeline.

Under the Amended WPA for the PWM Expansion Project, Cal-Am stated that the amount of water it would purchase increases by 2,250 AFY, from 3,500 AFY to 5,750, and the total peak pumping capacity would also increase from 5.0 mgd to 7.6 mgd, as shown in Appendix B of this decision.³³

Four parties filed timely protests or responses to the Application. On January 3, 2022, Public Advocates Office of the California Public Utilities Commission (Cal Advocates) filed a protest to the Application while responses

³² *Id.* at 211 (OP 35).

³³ Cal-Am Exhibit CAW-01 at 4.

were filed by City of Marina, M1W, and MCWD. Cal-Am filed a reply to the responses and protests to its Application on January 13, 2022.

Coalition of Peninsula Business (CPB), MPWMD, and Landwatch Monterey County (Landwatch) filed motions for party status on December 29, 2021, January 3, 2022, and January 14, 2022, respectively. CPB and MPWMD were granted party status by assigned ALJ ruling on January 14, 2022, and January 21, 2022, respectively.

A prehearing conference (PHC) was held on January 25, 2022, during which Public Water Now (PWN) made an oral motion for party status. Landwatch and PWN were granted party status at the PHC. The assigned Commissioner issued a scoping memo on February 9, 2022.

Cal Advocates, City of Marina, MCWD, M1W, MPWMD, and PWN served intervenor testimony on March 11, 2022. Cal-Am also served supplemental testimony on water supply and demand estimates for its Monterey Peninsula customers to support the Amended WPA on March 11, 2022.

MCWD and MPWMD served supplemental testimony on April 1, 2022. Cal-Am also served rebuttal testimony on intervenor testimony on April 1, 2022. Cal-Am served rebuttal testimony on intervenor's supplemental testimony on April 8, 2022.

The parties filed a joint case management statement on April 14, 2022, indicating an evidentiary hearing was needed. An evidentiary hearing was held on May 3, 2022, and all testimony previously served in this proceeding was marked, identified, and received into evidence. Immediately following the evidentiary hearing, the assigned ALJ issued a ruling directing the service and filing of a motion to admit two additional exhibits into evidence. Cal-Am served

and filed a motion to admit two exhibits into the evidentiary record on May 6, 2022. Cal Advocates and MCWD filed responses to Cal-Am's motion to admit the two exhibits on May 13, 2022. Cal-Am filed a reply thereto on May 18, 2022. The assigned ALJ granted Cal-Am's motion to admit two additional exhibits into the evidentiary record by ruling, dated June 7, 2022.

Cal-Am, M1W, MPWMD, City of Marina, MCWD, and Cal Advocates filed opening briefs on May 31, 2022. Landwatch also filed a joinder in the opening brief of MPWMD, indicating its joinder in Section I, II, and III.A of the opening brief of MPWMD on May 31, 2022. Cal-Am, M1W, MPWMD, City of Marina, MCWD, Cal Advocates, and PWN filed reply briefs on June 20, 2022.

On June 20, 2022, Cal-Am filed a motion to strike portions of MPWMD's opening brief. On June 23, 2022, Cal-Am filed a motion to strike portions of MPWMD's reply brief. On June 27, Cal-Am filed a motion to file a corrected opening brief.

On June 30, 2022, Cal-Am's motion to file a corrected opening brief was denied by ALJ ruling. On July 5, 2022, MPWMD filed a joint response to Cal-Am's motions to strike its opening and reply briefs. On July 18, 2022, Cal-Am's motions to strike portions of MPWMD's opening and reply briefs were granted by ruling. On July 27, 2022, MPWMD filed its corrected opening and reply briefs. The Phase 1 of the instant proceeding was submitted on July 27, 2022.

3. Jurisdiction

Cal-Am is a public utility subject to the Commission's jurisdiction as a corporation that owns, controls, operates, and manages a water system within California pursuant to Public Utilities Code (Pub. Util. Code) Section 2701. The Commission has the authority to review the Amended WPA, the Cal-Am related

facilities which are components of the PWM Expansion Project and the related rate recovery issue in this application pursuant to Pub. Util. Code § 451, to ensure that Cal-Am is “maintaining such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities . . . as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public” as well as ensure that the terms of the Amended WPA are just, reasonable and in the public interest.

4. Issues Before the Commission

The issues addressed in this Phase 1 decision are:

1. Whether Commission approvals of the Amended and Restated Water Purchase Agreement and the Company-related facilities are reasonable, prudent, and in the public interest, considering the following: (1) sources of supply water, (2) development costs, (3) prices for sales of the developed water, (4) contractual details, (5) environmental effects, (6) potential to obtain necessary permits, (7) water quality, (8) sources of funding, (9) possible related facilities (*e.g.*, additional pipelines or pump stations), and (10) any other information relevant and necessary for the Commission to make an informed, just and reasonable decision including details as to supply and production including not only during average rainfall years but also during a multi-year drought and the timing of expanded production;
2. Whether the ratemaking proposals for the Amended and Restated Water Purchase Agreement and the Company-related facilities, are reasonable; and
3. Whether Cal-Am’s water supply and demand estimates support approval of the Amended and Restated Water Purchase Agreement.

In the Phase 2 of this proceeding, we will address the outstanding issues, including the review and approval of updated water supply and demand estimates for the MPWSP.

**5. Need for Additional Water Supply
Source for Cal-Am's Customers on
the Monterey Peninsula**

In D.18-09-017, the Commission stated that an application for approval of the Amended WPA:

... will be considered only to the extent the desalination plant authorized in this decision (*i.e.*, 6.4 million gallons per day) is delayed to the point that sufficient source water capacity is more likely than not to be unavailable after the December 31, 2021, deadline set by the [SWRCB] in its amended [cease and desist order].³⁴

It is undisputed that the desalination plant was not built by December 31, 2021. Approval of the Coastal Development Permit (CDP) needed for construction of the desalination plant is still pending before the California Coastal Commission (CCC). Besides the CCC's CDP permit, permitting for the desalination plant outfall needs to be secured before the desalination plant can operate. There has been evidence presented in this proceeding that M1W has not agreed to a design for the outfall and declines to conduct the necessary environmental review for the outfall, or to apply for the necessary permits needed for the outfall until the Commission approved the Amended WPA at issue in this application.³⁵ Likewise, it seems that "the City of Marina has not

³⁴ D.18-09-017 at 44.

³⁵ MPWMD Exhibit MPWMD-01, Attach. A at 1-2 (Cal. Coastal Com. Letter, Notice of Incomplete Application Np. 9-20-0603 – Cal-Am, dated February 8, 2022).

given at least preliminary approval for liner work that appears to require a CDP from the City.”³⁶

Furthermore, Cal-Am has not obtained new land use leases needed to construct and operate the MPWSP slant wells within the jurisdiction of the State Lands Commission and has not received three federal agency authorizations required for drilling and seawater transportation related to the MPSP.³⁷ The 6.4 mgd desalination plant is also at issue in pending litigation.³⁸ Therefore, with the lengthy delay to date, the continued need to secure of necessary permits, and active litigation challenges presenting uncertainties regarding the 6.4 mgd desalination plant, we find that there will continue to be delay in constructing the 6.4 mgd desalination plant.

There is also significant opposition to the desalination plant from community members that cannot be ignored. PWN, a non-profit with over 4,000 members who are Cal-Am customers, sponsored and helped pass ballot Measure J, to build a community-owned water system under the management of MPWMD.³⁹ PWN opposes construction of the desalination plant and advocates strongly for the PWM Expansion Project instead.⁴⁰ PWN also provided a letter from 28 Monterey County elected leaders who oppose the desalination project in favor of the PWM Expansion Project.⁴¹ The City of Marina, where the 6.4 mgd

³⁶ *Id.*, Attach. A at 2.

³⁷ MPWMD Exhibit MPWMD-01 at 6; MPWMD Exhibit MPWMD-02 at 3; City of Marina Reply Brief at 6-7.

³⁸ See e.g. *City of Marina v. Lonestar* (Case No. 20CV001387); City of Marina Reply Brief at 9.

³⁹ PWN Exhibit PWN-01 at 3.

⁴⁰ *Id.* at 3-10.

⁴¹ PWN Exhibit PWN-01, Attach. 3 at 1-3.

desalination plant is sited, also strongly opposes construction of the desalination plant due to environmental justice concerns and what they see as the relative merits of the PWM Expansion Project compared to the desalination plant.⁴² Therefore, lack of community support for the desalination plant also makes it likely that the desalination plant will continue to experience permitting challenges and construction delays. Given delays caused by permitting, litigation challenges, and lack of community support for the desalination plant, it is reasonable to consider the PWM Expansion Project, ~~instead,~~ as ~~an alternative~~ a nearer-term supplemental source of water for the Monterey Peninsula ~~to reduce,~~ reducing Cal-Am's need to divert water from the Carmel River.

All parties agree that the PWM Expansion Project is urgently needed to meet current system demands.⁴³ Cal-Am provided near-term water supply and demand estimates showing that the current, average five-year production supply is inadequate to meet the five-year average customer demand without an additional source of water such as the PWM Expansion Project.⁴⁴ MCWD and MPWMD also provided testimony supporting a near-term need for water need that would be met with the PWM Expansion Project.

We have considered the matter and find that short-term supply and demand estimates for water on Cal-Am's Monterey Main System support approval of the Amended WPA and the Company-related facilities associated with the PWM Expansion Project. We do not adopt short-term supply and demand estimates in this Phase 1 decision; however, during the Phase 2 of this

⁴² City of Marina Opening Brief.

⁴³ Cal-Am Exhibit CAW-03 at 2.

⁴⁴ *Id.* at 2-5.

proceeding, we will consider updated water supply and demand estimates for the MPWSP.

6. Authorization to Enter into the Amended and Restated Water Purchase Agreement and to Construct Three Company-Related Facilities

This decision considers the conditions for approval of the Amended WPA using the factors outlined in D.18-09-017, as discussed in Sections 6.1 to 6.9, below, and finds the terms of the Amended WPA and authorization of three of the four proposed Company-related facilities, reasonable, prudent, and in the public interest.

As discussed below, Cal-Am is authorized to enter into the Amended WPA and construct three of the four Company-related facilities, as part of the PWM Expansion Project.

6.1. Sources of Supply Water

We first review the sources of supply water available for the PWM Expansion Project to determine whether it is reasonable to project that M1W will be able to produce the additional 2,250 AFY of treated water required under the Amended WPA. M1W and MPWMD state that they require 3,081 AFY of supply water to produce the additional 2,250 AFY required for the PWM Expansion Project, for a total of 7,874 AFY of wastewater to produce 5,750 AFY of treated water for both the PWM Project and the PWM Expansion Project.⁴⁵

⁴⁵ Cal-Am Exhibit CAW-01, Attach. A at 2.

The final SEIR for the PWM Expansion Project adopts the Source Water Operational Plan Technical Memorandum prepared by M1W, which calculates the total source water available for M1W⁴⁶ on a typical year at 11,104 AFY.⁴⁷

M1W identified four categories of source water supply for the PWM Expansion Project: (1) municipal wastewater; (2) surface water diversions; (3) agricultural wash water; and (4) urban stormwater runoff.

Municipal wastewater sources from within and outside M1W's service area include: (1) secondary effluent not used for meeting MCWD and Salinas Valley Reclamation Plant (SVRP)/Castroville Seawater Intrusion Project demands; (2) SVRP Backwash; (3) Boronda; (4) Farmworker Housing; (5) Sump #1 and Sump #2; (6) approved PWM Base project Advanced Water Purification Facility (AWPF) backwashes; (7) approved PWM Project expansion AWPF backwashes; and (8) M1W's Amended and Restated Water Recycling Agreement summer water.⁴⁸ Surface water diversion sources consist of the Reclamation Ditch and Blanco Drain.⁴⁹ Agricultural wash water consists of the City of Salinas' industrial wastewater system wash water.⁵⁰ Urban stormwater runoff consists of the runoff from the City of Salinas' stormwater system.⁵¹

Cal-Am questions the identified source waters' availability to meet the additional 2,250 AFY of source water supply, noting that uncertainty remains as

⁴⁶ The source waters in Mr. Stoldt's calculations did not include AWW, SRDF, or the Salinas IWTF Pond.

⁴⁷ MPWMD Exhibit MPWMD-01 at 9; M1W Exhibit M1W-01 Attach. A (Final SEIR, Chapter 3 at 3-16 to 3-21), Attach. B (Source Water Operational Plan Technical Memorandum) at 13.

⁴⁸ Cal-Am Exhibit CAW-01, Attach. A at 2.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

to whether certain sources of supply water identified by M1W are sufficient, resilient, and reliable enough to supply the PWM Expansion Project.⁵² Cal-Am cites to its peer review analysis of water supply sources⁵³ as part of its Urban Water Management Plan for the Monterey County District, which found that the PWM Expansion Project would not produce the additional 2,250 AFY in both normal and dry years.⁵⁴ Cal-Am also points to prior disputes between the M1W and the City of Salinas as evidence of the uncertainty affecting M1W's and MPWMD's water supply sources.⁵⁵ However, Cal-Am still supports the Amended WPA and the PWM Expansion Project despite these concerns, viewing the terms of the Amended WPA as providing sufficient protection for ratepayers in the event of PWM Expansion Project underperformance.⁵⁶

M1W argues that the concerns raised by Cal-Am are concerns previously raised and completely addressed during the SEIR review process, including the report prepared by Hazen and Sawyer.⁵⁷ MPWMD agrees that sufficient supply water is available to meet the demands of the PWM Expansion Project.⁵⁸

Upon review, we find that the parties provided sufficient evidence to support a finding that the total source water in a typical year is 11,104 AFY, which will be adequate to meet the 7,874 AFY of supply water needed to support

⁵² Cal-Am Phase 1 Reply Brief at 29.

⁵³ M1W's water supply sources were analyzed by Hazen and Sawyer, a national consulting engineering firm.

⁵⁴ Cal-Am Exhibit CAW-01 at 7; Cal-Am Phase 1 Reply Brief at 29.

⁵⁵ Cal-Am Phase 1 Reply Brief at 29.

⁵⁶ *Id.* at 30.

⁵⁷ M1W Phase 1 Opening Brief at 7.

⁵⁸ MPWMD Phase 1 Opening Brief at 4.

the PWM Expansion Project.⁵⁹ The concerns raised by Cal-Am are addressed by M1W and MPWMD as part of the SEIR. Accordingly, we find the identified source waters sufficient to support Commission authorizations for Cal-Am to enter into the Amended WPA and construct the authorized Company-related facilities, as part of the PWM Expansion Project.

6.2. Development Costs

We review the total estimated development costs of M1W's and MPWMD's facilities to determine whether those costs, which will be passed on to ratepayers through the sale-price of water, support Commission authorization for Cal-Am to enter into the Amended WPA. Development costs for M1W's and MPWMD's PWM Expansion Project related facilities total \$49.2 million, which includes the cost of additional water treatment facilities to increase M1W's capacity for producing treated water, along with additional injection wells.⁶⁰

~~Approximately 44.9 percent (%) of the development costs for M1W's new treatment facilities are allocated to M1W and 45.1% are allocated to MCWD through a separate agreement.⁶¹ In exchange, MCWD receives an entitlement of 827 AFY from the new treatment facilities upon the new water treatment plant's operation.⁶²~~

⁵⁹ Cal-Am Exhibit CAW-01, Attach. A; M1W Exhibit M1W-01 at 6-10, Attach. A to E; and MPWMD Exhibit MPWMD-01 at 8-10.

⁶⁰ Cal-Am Exhibit CAW-01 at 9.

~~⁶¹ Cal Am CAW-01 at Attach. A (M1W and MPWMD Joint Response Letter) at 4, Attach. A (Amended and Restated Water Recycling Agreement Between Monterey Regional Water Pollution Control Agency and Monterey County Water Resources Agency at 11, 25.)~~

~~⁶² Cal Am Exhibit CAW-01 at Attach. A (M1W and MPWMD Joint Response Letter), Attach. A (Pure Water Delivery and Supply Project Agreement between Monterey Regional Water Pollution Control Agency and MCWD). MCWD is a county water district that owns the Fort Ord water and sewer facilities. The Fort Ord Reuse Authority (FORA) transferred ownership of all existing Fort Order water and sewer facilities under the 1998 Water/Wastewater facilities~~

No parties contested or commented on M1W's or MPWMD's estimated development costs. We have reviewed those costs and find that they are reasonable and support Commission authorization for Cal-Am to enter into the Amended WPA.

The estimated development costs identified as part of the Amended WPA do not include the cost of building Company-related facilities to be owned and operated by Cal-Am, for which Cal-Am requests a revenue requirement of \$81.065 million. Those Company-related facilities are discussed separately in Sections 6.9 and 7.

6.3. Prices for Sales of Treated Water

We now review the estimated price for the sale of treated water to determine whether it is reasonable. M1W's and MPWMD's estimated cost of purchased water is \$3,429/ AF in the 2024/2025 fiscal year.⁶³⁶¹ This is higher than the current price of water under the Original WPA, which is \$2,808/ AF for the 2022/2023 fiscal year.⁶⁴⁶² The annual cost of water under the Amended WPA is expected to escalate by 6% or more each year in the near-term.⁶⁵⁶³

PWN states that, while the cost of water resulting from the PWM Expansion Project is high, PWN still opines it is reasonable, because the project is

~~Agreement. MCWD is responsible for procuring an additional 2,400 AFY of water for the Fort Ord Base Area under the Fort Ord Base Reuse Plan (BRP). In 2002, MCWD initiated the Regional Urban Water Augmentation Project (RUWAP) to develop resources to supply the additional 2,400 ACY needed under the BRP. M1W's water treatment facilities, the existing and the expansion combined, are expected to provide up to 1,427 AFY for MCWD under the RUWAP.~~

⁶³⁶¹ Cal-Am, Exhibit CAW-01, Attach. A (Joint Response Letter), Attach. C (Pure Water FY 21-22 to FY 24-25 Cost of Water Estimate).

⁶⁴⁶² Cal-Am, Exhibit CAW-01 at 9.

⁶⁵⁶³ *Id.* at 10.

publicly owned, has no shareholder profit, can receive public financing, and may receive grants that lower the project costs.⁶⁶⁶⁴ The City of Marina points out that the price of water for the PWM Expansion Project costs less than the 6.4 mgd desalination plant, estimated at \$6,100/AF.⁶⁷⁶⁵ No other parties objected to or otherwise disputed the estimated prices for the sale of treated water under the Amended WPA.

Upon review, we find Cal-Am met its obligation to provide the estimated price of treated water pursuant to D.18-09-017 and find the price supports Commission authorizations for Cal-Am to enter into the Amended WPA and to build the authorized Company-related facilities, as part of the PWM Expansion Project.

6.4. Contractual Details

We review the terms of the Amended WPA to determine whether they are reasonable, prudent, and in the public interest. The Amended WPA increases Cal-Am's treated water allotment from 3,500 AFY to 5,750 AFY over a 30-year term, upon operation of the PWM Expansion Project.⁶⁸⁶⁶ Under the Amended WPA, Cal-Am also has an option to extend the agreement for up to 10 additional years.⁶⁹⁶⁷

The Amended WPA also provides for a performance guarantee in the event the PWM Expansion Project fails to deliver 5,750 AFY of water. MPWMD will owe Cal-Am a shortfall of water, which it can use to offset the cost of

⁶⁶⁶⁴ PWN Exhibit PWN-01 at 10.

⁶⁷⁶⁵ City of Marina Exhibit MARINA-01 at 9, *citing* CCC Staff Report (dated August 2020), Append. B at 12.

⁶⁸⁶⁶ Cal-Am Exhibit CAW-01 at 10.

⁶⁹⁶⁷ *Ibid.*

drawing replacement water from the Seaside Basin.⁷⁰⁶⁸ Cal-Am also has a right to terminate the Amended WPA in the event M1W and MPWMD fail to deliver the additional water by February 1, 2026, or if the MPWMD fails to meet performance guarantees.⁷¹⁶⁹

In addition, the Amended WPA extends the process for determining the rate of payment by Cal-Am to MPWMD under the Original WPA.⁷²⁷⁰ Specifically, Operative Provision Number (No.) 16 is extended under the Amended WPA and allows Cal-Am to pay only for: (1) the cost of water it receives and can use, (2) water based on the actual cost of water, and (3) its proportionate costs.⁷³⁷¹

Finally, the Amended WPA extends budgeting provisions approved in Operative Provision No. 15 and ratemaking provisions in General Provision No. 18 of the Original WPA, as discussed in Sections 6.4.1 to 6.4.2, below. No parties raised any concerns or objections to any of the terms of the Amended WPA.

Upon consideration, we find the Amended WPA terms reasonable and provide further detail and direction for Cal-Am in Sections 6.4.1 to 6.4.2, below.

6.4.1. Operative Provision No. 15 – Annual Budget Review

Operative Provision No. 15 provides for the annual budgeting process by the PWM public agencies (MPWMD and M1W), requiring them to estimate both fixed project costs as well as project operation and maintenance (O&M) expenses by no later than May 1st of each year, and requiring the budget to be available

⁷⁰⁶⁸ *Ibid.*

⁷¹⁶⁹ *Ibid.*

⁷²⁷⁰ Cal-Am Exhibit CAW-02 at 12.

⁷³⁷¹ Application, Attach. A at 13-14 (Section 16); Cal-Am Exhibit CAW-02 at 12-13.

for review at least 15 days prior to adoption by MPWMD's or M1W's respective boards.⁷⁴⁷² No parties opposed adoption of Operative Provision No. 15.

In D.16-09-021, the Commission also required Cal-Am to participate in the ratemaking proceedings required by Operative Provision No. 15. Cal-Am states that it provided the required comments on budgets prepared by MWPMD and M1W under the Original WPA pursuant to D.16-09-021 and recommends the Commission continue to require Cal-Am to participate in MPWMD's and M1W's budgeting process for the duration of the Amended WPA.⁷⁵⁷³

No parties opposed or otherwise objected to Cal-Am's proposal. Upon consideration, the Commission agrees with Cal-Am and extends the same budget proceeding participation requirements for the PWM Project to Cal-Am for the duration of the Amended WPA.⁷⁶⁷⁴ Cal-Am will file and serve written comments on the M1W's and MPWMD's budget proposal in each applicable MPWMD and M1W rate proceeding. The written comments must state any and all concerns Cal-Am has with MPWMD's or M1W's proposals and provide alternative recommendations, as appropriate. If Cal-Am has no concerns, the written comments must state that it has no concerns. At the time Cal-Am files and serves its comments on MPWMD or M1W, it will simultaneously serve an electronic copy of the comments on the Commission's Director of the Water Division and on the service list for this proceeding.

6.4.2. General Provision No. 18 – Rate Recovery for Treated Water

⁷⁴⁷² Cal-Am Exhibit CAW-02 at 12.

⁷⁵⁷³ *Ibid.*

⁷⁶⁷⁴ D.16-09-021 at 54 (OP 2).

General Provision No. 18 of the Amended WPA extends the rate recovery process under the Original WPA. Rate recovery will consist of six different provisions as follows: (1) defines all costs Cal-Am pays to MPWMD for water as purchased water costs, which Cal-Am records in the Modified Cost Balancing Account (MCBA) and recovers from its customers as pass-through costs; (2) requires MPWMD to provide written notice of the Company Water Rate to Cal-Am between May 1st and June 1st of every year, or every time MPWMD changes the upcoming fiscal year purchased water cost; (3) requires Cal-Am to file a Tier 1 advice letter for rate recovery within 60 days following receipt of MPWMD's written notice for the Company Water Rate; (4) it requires approval of rate recovery for changes to the Company Water Rate to be requested as a Tier 1 advice letter; (5) does not obligate Cal-Am to pay MPWMD for purchased water costs until the Commission approves payment recovery in rates; and (6) provides access to the books and records of the MPWMD and M1W to review the accuracy and reasonableness of all costs related to the Company Water Rate.⁷⁷⁷⁵ Cal-Am notes that the Commission directed Cal-Am, and other water companies, to eliminate the MCBA in its next general rate case (GRC). Cal-Am plans to make this change in its 2022 GRC application, and may request an Incremental Cost Balancing Account as an alternative balancing account to record the costs currently recorded in the MCBA.⁷⁸⁷⁶

Upon review, we agree that the rate recovery process in the Original WPA is appropriately extended to the Amended WPA. We also agree that Cal-Am

⁷⁷⁷⁵ *Id.* at 13.

⁷⁸⁷⁶ *Id.* at 13-14.

appropriately plans to replace the MCBA with another balancing account through the GRC process.

6.5. Environmental Effects

The PWM Expansion Project, which includes proposed construction of Cal-Am's facilities, including water extraction wells, treatment facilities, and conveyance piping, constitutes a "project" for purposes of environmental review under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000, *et seq.*⁷⁹⁷⁷ CEQA applies to discretionary projects to be carried out or approved by public agencies.⁸⁰⁷⁸ A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities.

Under CEQA, the lead agency is either the public agency that carries out the project,⁸¹⁷⁹ or the one with the greatest responsibility for supervising or approving the project as a whole.⁸²⁸⁰

Here, M1W is the lead agency for the PWM Expansion Project because the project is located in the M1W service area and M1W is undertaking the construction of the majority of the project, in partnership and with funding from MPWMD and Cal-Am. The Commission is a responsible agency because it has authority to authorize construction and ratemaking treatment for Cal Am's facilities, including water extraction wells, treatment facilities, and conveyance piping.

⁷⁹⁷⁷ On July 16, 2018, the Board of Supervisors approved a Categorical Exclusion (CE) under the National Environmental Policy Act. (Application at 2.)

⁸⁰⁷⁸ Public Resources Code Section 21000 *et seq.*

⁸¹⁷⁹ CEQA Guidelines (Title 14 of the California Code of Regulations), § 15051(a).

⁸²⁸⁰ CEQA Guidelines (Title 14 of the California Code of Regulations), § 15051(b).

As a responsible agency under CEQA, the Commission must also consider the lead agency's environmental documents and findings before acting on or approving the Company-related facilities, which are components of the PWM Expansion Project.⁸³⁸¹

M1W prepared the SEIR for the PWM Expansion Project in 2021 which identified a number of environmental effects from the PWM Expansion Project.⁸⁴⁸² In Resolution 2021-05, the M1W Board adopted the mitigation measures over which it had control. However, the M1W Board recognized that it could not fully implement all of the mitigation measures set forth in the SEIR, because it did not have control over the proposed Cal-Am facilities, including water extraction wells, treatment facilities, and conveyance piping.⁸⁵⁸³

The SEIR also found that both: (1) the impact of construction noise and (2) secondary effects of growth inducement either would or could remain significant following mitigation measures described in the SEIR.⁸⁶⁸⁴

The SEIR evaluated alternatives, including a no project alternative, and adopted a statement of overriding consideration finding that the benefits of the PWM Expansion Project outweighed the significant adverse environmental effects that are not mitigated to less than significant levels.⁸⁷⁸⁵ The SEIR for the PWM Expansion Project was adopted by the M1W Board in Resolution 2021-05.⁸⁸⁸⁶

⁸³⁸¹ CEQA Guidelines, §§ 15050(b) and 15096.

⁸⁴⁸² Application, Attach. C, Exhibit A.

⁸⁵⁸³ *Id.* at 10.

⁸⁶⁸⁴ *Id.* at 9-10.

⁸⁷⁸⁵ *Id.* at 11-15.

⁸⁸⁸⁶ *Ibid.*

As a responsible agency, the Commission must consider the environmental effects identified in the SEIR relating to the portion of the project that is before the Commission for approval.⁸⁹⁸⁷ That means the Commission must consider the environmental consequences of those Company-related facilities, which are components of the PWM Expansion Project.

The Commission has authority to mitigate or avoid only the direct and indirect environmental effects of those parts of the project which it is called on to carry out or approve.⁹⁰⁸⁸ The Commission must adopt any mitigation measures within the Commission’s jurisdiction that avoid or mitigate the part of the project the Commission approves,⁹¹⁸⁹ unless the changes or alterations are infeasible for specific economic, legal, social, technological, or other considerations.⁹²⁹⁰ The Commission must balance any unavoidable impacts against specific economic, legal, social, technical, or other benefits.⁹³⁹¹ Finally, the Commission must file a Notice of Determination with the CEQA Clearinghouse certifying that the Commission has considered the environmental document.⁹⁴⁹²

The M1W Board stated that “[Cal-Am] has confirmed that it would implement all of the mitigation measures that the SEIR identifies for the [Cal-Am] facilities” and that “these mitigation measures are within the

⁸⁹⁸⁷ 14 Cal. Code Regs. § 15096(f).

⁹⁰⁸⁸ 14 Cal. Code Regs. §§ 15042 and 15096(g).

⁹¹⁸⁹ 14 Cal. Code Regs. §§ 15091(a)(2) and 15096(g)(1).

⁹²⁹⁰ 14 Cal. Code Regs. § 15096(g)(2).

⁹³⁹¹ 14 Cal. Code Regs. § 15096(h).

⁹⁴⁹² 14 Cal. Code Regs. § 15096(i).

jurisdiction of other public agencies issuing regulatory approvals for [Cal-Am] and should be approved by those other agencies.”⁹⁵⁹³

The Commission reviewed and considered M1W’s SEIR for the PWM Expansion Project, which includes proposed construction of Cal Am’s facilities, including water extraction wells, treatment facilities, and conveyance piping, and adopts the following mitigation measures associated with the construction of those Company-related facilities as detailed in the mitigation monitoring and report, attached to this decision as Appendix C: AE-2, AE-3, AE-4, AQ-1, BT-1a to BT-1d, BT-1f, BT-1h to BT-1k, BT-1m, BT-4, CR-2b, CR-2c, EN-1, NV-1a, NV-1c, NV-1e, NV-1f, NV-2, PS-3, TR-2, TR-3, and TR-4.

CEQA Guidelines Section 15093 requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

Here, we find that there is compelling public health and safety need to meet the projected regional water supply demand; therefore, the Commission also adopts the statement of overriding considerations for the PWM Expansion Project and approves it. The Commission’s Energy Division will file a Notice of Determination with the CEQA clearinghouse stating that the Commission considered the environmental documents related to the PWM Expansion Project.

6.6. Necessary Permits

The PWM Expansion Project requires M1W to obtain a number of permits from federal, state, and local agencies. First, M1W must obtain permits related to

⁹⁵⁹³ *Ibid.*

water quality requirements. M1W must update the PWM Project Biological Opinion from the United States Fish and Wildlife Service under the Endangered Species Act. M1W reports that it submitted a Biological Assessment to reinstate the consultation for the modifications needed to the Biological Opinion.⁹⁶⁹⁴

M1W also needs to obtain regulatory approval for increased injection of recycled water into the Seaside Basin from the SWRQCB, Division of Drinking Water (DDW) and the Central Coast Regional Water Quality Control Board (RWQCB). Specifically, M1W needs to submit a revised Engineering Report to show that its injection plans meet the log removal requirements for pathogenic microorganism control. The Engineering Report would first be approved by DDW and then adopted by the RWQCB.

In addition, M1W must submit a Report of Wastewater Discharge to the RWQCB to amend their current operating Waste Discharge Requirements/Water Recycling Requirements permit. Furthermore, M1W needs to update its National Pollutant Discharge Elimination System permit with the RWQCB to the ocean. The Office of National Marine Sanctuaries/Monterey Bay National Marine Sanctuary must also authorize the permit as complying with the Sanctuary Guidelines. Finally, MPWMD and the Watermaster must amend the Seaside Groundwater Basin Watermaster Storage Permit.

M1W also needs to obtain several permits from municipalities and local agencies. M1W must obtain a grading and ordinance permit from the City of Seaside, potentially amend its County User Permit from Monterey County, obtain an encroachment permit from the City of Seaside, and obtain a well drilling permit from the Monterey County Health Department.

⁹⁶⁹⁴ Cal-Am Exhibit CAW-01 at 11.

Similarly, Cal-Am's Company-related facilities, which are part of the PWM Expansion Project, also require several permits, as summarized in Appendix D.

No parties disputed or objected to M1W, MPWMD, or Cal-Am's requirements to obtain the necessary permits enumerated herein. We have considered the matter and find that the permits listed herein contain a true and accurate summary of permits necessary for operation of the PWM Expansion Project. Permitting related to water quality has been an issue for the PWM Project, and we discuss this further in Section 6.7.

6.7. Water Quality

To be deemed potable, source water requires treatment for virus and microbe reduction pursuant to California Code of Regulations (CCR) Title 22 Section 60320.208. The source water must achieve at least 12-log enteric virus reduction, 10-log *Giardia* cyst reduction, and 10-log *Cryptosporidium* oocyst reduction for projects with groundwater recharge with recycled water.⁹⁷⁹⁵ Three separate treatment processes are required in the treatment train, and each separate process is credited with no more than a 6-log reduction, and at least three processes must have at least a 1-log reduction. For virus treatment, each month the recycled water is retained underground, the process is credited a 1-log virus reduction if verified by an added tracer study.

M1W plans to treat the 2,250 AFY additional source water for *Giardia* and *Cryptosporidium* using its current treatment train process at the AWPF, using membrane filtration, reverse osmosis, and advanced oxidation. This process is

⁹⁷⁹⁵ Id. at 14.

already certified to achieve a 12.9 to 13.2-log reduction in Giardia and Cryptosporidium, which meets the 10-log reduction requirement.^{~~98~~96}

M1W also plans to remove viruses at the AWPf using reverse osmosis and advanced oxidation, which is certified to achieve an 8.9 to 9.2-log reduction in enteric virus.⁹⁹~~97~~ M1W's modeling studies showed that the shortest simulated travel time from the PWM injection well (DIW-1) to the nearest drinking water well (Paralta) was 3.3 months, which would create an additional 2.2 log reduction based on a 0.67-log reduction per month based on intrinsic tracer study results, pursuant to CCR Title 22.~~100~~98 M1W requested approval of an additional virus log reduction based on chloramine treatment prior to injection and was anticipating DDW approval in December 2021.~~101~~99

6.7.1. Concerns with Water Quality

Water quality has been a concern for the PWM Project and may pose a risk for the PWM Expansion Project. Currently, the PWM Project is no longer delivering treated water to well ASR-1 due to the PWM Project's failure to achieve the required 12-log virus reduction required for treated water. In October 2020, MPWMD conducted an intrinsic tracer study of underground travel times for water from M1W's injection wells to well ASR-1, and found that the underground travel time for treated water was much shorter than its 2019 modeling predicted.~~102~~100 MPWMD notified M1W of the results of its tracer study

⁹⁸~~96~~ *Ibid.*

⁹⁹~~97~~ *Ibid.*

~~100~~98 *Id.* at 15.

~~101~~99 *Ibid.*

~~102~~100 Cal-Am Exhibit CAW-04, Attach. 4 at 1.

in May 2021.¹⁰¹ On July 9, 2021, M1W provided written notice to the DDW of its intrinsic tracer study.¹⁰² The California State Water Resources Control Board, DDW determined that the underground travel time for treated water was too short to qualify for a log reduction for virus pursuant to CCR title 22, Article 5.2, Sections 60320.224(a) and (b).¹⁰³

By letter, dated September 14, 2021, DDW ordered Cal-Am to discontinue use of ASR-1 for groundwater extraction and put a hold on permit review of ASR-2 for groundwater extraction purposes.¹⁰⁴ The DDW letter also indicated that “the water that reached the Santa Margarita ASR Well 01 during the 2020 extraction period potentially did not meet the 12-log virus reduction required by CCR, Title 22, Article 5.2, Section 60320.208(a).”¹⁰⁵

M1W, MPWMD, and Cal-Am explored extraction from ASR Wells ASR-3 and ASR-4, both located at Seaside Middle School, as an alternative way to meet the underground retention time requirement. Cal-Am applied for a permit amendment to use well ASR-4 for extraction purposes.¹⁰⁶ However, mercury at concentrations above the maximum contamination level was detected in groundwater samples extracted from well ASR-4,¹⁰⁷ and DDW indicated that

¹⁰¹ *Id.*, Attach. 5 at 1.

¹⁰² *Id.*, Attach. 4 at 1.

¹⁰³ *Ibid.*

¹⁰⁴ *Id.*, Attach. 4 at 1-2.

¹⁰⁵ *Ibid.*

¹⁰⁶ Previously, well ASR-4 was permitted to water injection.

¹⁰⁷ Mercury samples collected from ASR-4 on June 16, 2021 and July 6, 2021 had mercury results of 4.3 ug/L and 6.1 ug/L, respectively. The MCL for mercury is 2 ug/L. Cal-Am Exhibit CAW-04, Attach. 6 at 1.

well ASR-4 could not be used as a drinking water supply source until Cal-Am proposed a system to reduce the mercury concentration in the well.^{~~110~~108}

The presence of mercury at ASR-4 is of concern for the PWM Expansion Project because the proposed EW-1/EW-2 facility is also located at the Seaside Middle School. As the primary extraction site for the PWM Expansion Project, Cal-Am must demonstrate that mercury contamination in groundwater at the Seaside Middle School will not impact PWM Expansion Project wells EW-1 or EW-2, since Cal-Am's current budget contemplates disinfection but not treatment of extracted groundwater for mercury.

Therefore, our approval of Cal-Am's authority to construct and approval of the budget cost cap for the EW-1/EW-2 facility are deferred to Phase 2 of this proceeding in order to consider additional information regarding the extent of mercury above maximum contamination levels in the vicinity of ASR-4, the potential for mercury to impact extracted water at the EW-1/EW-2 facility, any proposed remedial action necessary to treat mercury in extracted water, which Cal-Am must provide by filing a "Response to Inquiry" within 30 days of the issuance date of this decision, and the potential cost impacts from any anticipated mercury treatment as a Tier 3 advice letter to the Commission's Water Division within 30 days of the issuance date of this decision. Water Division is directed to increase the cost cap herein authorized for the EW-1/EW-2 facility, as reasonable, to address additional remediation measures.

Returning to our discussion of groundwater concerns at well ASR-1, M1W, MPWMD, and Cal-Am also explored the idea of increasing groundwater extraction by reducing M1W's injection rates, to increase the underground

^{~~110~~108} Cal-Am Exhibit CAW-04, Attach. 6 at 1-2.

retention time, but ultimately could not come to an agreement on this alternative.^{111¹⁰⁹}

With the current inability to use the ASR-1 well for groundwater extraction, Cal-Am is proposing to use extraction wells EW-3 and EW-4 as the primary extraction source for the PWM Project water, replacing ASR-1. Assuming there are no further problems with contaminants or underground retention times at the EW-3/EW-4 facility, the water quality issues in the PWM Project create additional need for the PWM Expansion Project but also highlight the risk to ratepayers that their investment will not yield the expected benefits of a new supplemental water source.

6.8. Sources of Funding

We review the sources of funding for reasonableness. M1W and MPWMD's total estimated cost for the PWM Expansion Project is \$49.171 million. M1W and MPWMD assume that about half of the funding will come as a loan from the Clean Water State Revolving Fund (SRF) and half will come from a loan from the Water Infrastructure Finance and Innovation Act (WIFIA) program.^{112¹¹⁰ MW1 and MPWMD expect that the annual debt of \$2.1 million to service the loan would be paid by the sale of treated water to Cal-Am.^{113¹¹¹}}

M1W also intends to pursue grants from: (1) United States Bureau of Reclamation Water Smart/Title XVI grant funding; (2) SWRCB Water Recycling Program (Propositions 1, 13, and/or 68); and (3) Department of Water Resources,

^{111¹⁰⁹ Cal-Am Exhibits CAW-10, 11.}

^{112¹¹⁰ Cal-Am Exhibit CAW-01, Attachment A at 10.}

^{113¹¹¹ *Ibid.*}

Integrated Regional Water Management Program and Urban Multi-Benefit Drought grants.^{~~144~~112}

In the event MW1 is unable to secure a loan from the SRF, it intends to finance its portion of the full balance using a WIFIA loan, less any amounts received through grants. In the alternative, M1W will access the capital markets with public financing to fund the PWM Expansion Project.^{~~145~~113}

No parties disputed the reasonableness of M1W's and MPWMD's proposed sources of funding for the PWM Expansion Project. Upon review, we find the proposed sources of funding reasonable and support Commission authorization for Cal-Am to construct the authorized Company-related facilities noted below (*see* Section 6.9) and to enter into the Amended WPA.

6.9. Company-Related Facilities – Description, Construction Schedule, and Forecast Costs

Cal-Am seeks authorization to construct the following Company-related facilities, as part of the PWM Expansion Project, and proposes related ratemaking treatment: (1) EW-1, EW-2, and water treatment facilities; (2) EW-3, EW-4, and associated piping; (3) the Carmel Valley Pump Station; and (4) the General Jim Moore Parallel Pipeline. All parties agree that these Company-related facilities are necessary to support the PWM Expansion Project. This decision authorizes Cal-Am to construct the proposed Company-related facilities (described in Sections 6.9.2, 6.9.3, and 6.9.4 below). This decision does not authorize the EW-1/EW-2 facility described in Section 6.7.1. These

^{~~144~~112} *Ibid.*

^{~~145~~113} *Id.*, Attachment A at 10.

Company-related facilities are shown in Appendix E of this decision, Figure 1 and described in Sections 6.9.1 through 6.9.4, below.

6.9.1. EW-1, EW-2, and Chemical Treatment Facility

Cal-Am proposes to construct four extraction wells related to the PWM Expansion Project (EW-1 through EW-4). EW-1 and EW-2 are located in an easement on a portion of the Monterey Peninsula Unified School District property at Seaside Middle School,¹¹⁶¹¹⁴ which Cal-Am plans to use as the new, primary extraction point for PWM Expansion Project treated water. EW-1 and EW-2 are both in the permitting and design phase, with construction expected to start in the second quarter of 2023, and operation expected by the end of the third quarter of 2024.¹¹⁷¹¹⁵

A chemical treatment facility located at EW-1 and EW-2 will disinfect PWM Expansion Project water prior to delivery of treated water to Cal-Am's distribution pipeline for delivery to customers. Additional piping is proposed to connect EW-1, EW-2, and the chemical treatment facility to Cal-Am's main transmission piping.

6.9.2. EW-3, EW-4, and Associated Piping

Cal-Am also proposes to construct extraction wells EW-3 and EW-4 and associated piping on United States Army Land northeast of the EW-1/EW-2 site.¹¹⁸¹¹⁶ EW-3 and EW-4 are both in the permitting and design phase, with construction expected to start in the fourth quarter of 2022 and operation

¹¹⁶¹¹⁴ *Id.* at 21.

¹¹⁷¹¹⁵ Cal-Am Exhibit CAW-12 at 1.

¹¹⁸¹¹⁶ Cal-Am Exhibit CAW-01 at 22.

expected by the end of the first quarter of 2025.¹¹⁹ Wells EW-3 and EW-4 are located in the same place as two wells previously approved for ASR wells ASR-5 and ASR-6, which were approved in D.10-12-016 and D.18-09-017 but never built.

Cal-Am states that these two new wells are necessary to replace the loss of ASR-1 for groundwater extraction, increase the capacity of groundwater extraction for the PWM Expansion Project, increase reliability of groundwater extraction, and free up existing ASR wells (ASR-1 to ASR-4) for simultaneous injection of Carmel River water during the wet season.¹²⁰ Along with wells EW-1 and EW-2, these wells are intended to help Cal-Am increase the peak pumping capacity of PWM Project in order to meet expected peak customer demand.¹²¹

6.9.3. Carmel Valley Pump Station

The Carmel Valley Pump Station is a pump station designed to pump water from the Forest Lake reservoirs to the Upper Carmel Valley. It was first proposed by Cal-Am as the Valley Greens Pump Station for Phase 1 of the Regional Desalination Project, but it was never built.

The Valley Greens Pump Station was also approved as part of the “Remaining Cal-Am only facilities” for the MPWSP in D.18-09-017.¹²² Cal-Am subsequently changed the location of the Valley Greens Pump Station¹²³ and relabeled the pump station as the Carmel Valley Pump Station to better reflect its

¹¹⁹ *Ibid.*

¹²⁰ Cal-Am Phase 1 Opening Brief at 17-18.

¹²¹ Cal-Am Exhibit CAW-01 at 4.

¹²² D.18-09-017 at 99.

¹²³ The original Valley Green Pump Station would have been constructed near the intersection of Carmel Valley Road and Valley Greens Drive. (D.10-12-016 at 67.)

purpose, which is to provide water to the Upper Carmel Valley.¹²⁴¹²² Cal-Am anticipated the Carmel Valley Pump Station would be completed in July 2022.

6.9.4. General Jim Moore Parallel Pipeline

Cal-Am seeks authorization to construct a 36-inch diameter pipeline designed to carry water from Extraction Wells EW-3 and EW-4 to the connection with the Monterey Pipeline at the Hilby Pump Station, as shown in Appendix E, Figure 1.¹²⁵¹²³ The total length of the pipeline is 12,600 feet, 7,000 feet of which is considered the Parallel Pipeline and 5,600 feet of which is considered the Transfer Pipeline.¹²⁶¹²⁴

This pipeline is intended to supplement the existing pipeline along General Jim Moore Boulevard, allowing for the simultaneous injection and extraction of water from the Seaside Basin.¹²⁷¹²⁵

In this application, Cal-Am requests recovery of a 7,000-foot section of the General Jim Moore Parallel Pipeline and a 1,100-foot section of pipeline Transfer Pipeline, with an expected in-service date of July 2022.¹²⁸¹²⁶ The Transfer Pipeline was originally approved for the Regional Desalination Project to convey desalinated water to the Monterey Peninsula, beginning at the desalination plant in the City of Marina and ending in the City of Seaside, near the intersection of Auto Center Parkway and Del Monte Boulevard. The 1,100-foot section of the Transfer Pipeline extends between ASR wells ASR-1/ASR-2 and ASR-3/ASR-4. The cost for the remaining portion of the Transfer Pipeline (also referred to as the

¹²⁴¹²² RT 48:2-18.

¹²⁵¹²³ Exhibit PAO-1 at 1-9.

¹²⁶¹²⁴ *Ibid.*

¹²⁷¹²⁵ *Ibid.*

¹²⁸¹²⁶ RT 38:19 - 39:2.

“ASR Pipeline” in Appendix E, Figure 1), and extending from wells ASR-3/ASR-4 to EW-3/EW-4, is incorporated into the budgets for the EW-1/EW-2 and EW-3/EW-4 facilities.

6.10. Broader Principles

To the extent they are not considered in the criteria discussed in preceding Sections 6.1 through 6.9, we must also consider broader principles, including whether Commission support for the PWM Expansion Project, through approval of the Amended WPA and the Company-related facilities, would be just, reasonable, and in the public interest. As discussed below, we find that support for the PWM Expansion Project satisfies those principles.

Support for the PWM Expansion Project is consistent with the SWRCB’s policy of promoting recycled water projects to diversify community water supplies and mitigate the impacts of climate change. The PWM Expansion Project also has numerous environmental benefits, such as the “reduction of pumping from the Salinas Groundwater Basin, reduction of runoff into the Monterey Bay, reduction of pollutant loads to the lower Salinas watershed, and help combat seawater intrusion into local groundwater aquifers.”^{~~129~~127}

The PWM Expansion Project benefits Cal-Am customers because it provides an additional potable water supply to address near-term water supply issues on the Monterey Peninsula. By providing an additional water supply, the PWM Expansion Project helps relieve Cal-Am’s reliance on the Carmel River, thereby helping Cal-Am comply with the SWRCB’s cease and desist order. In the event the PWM Expansion Project fails to operate as expected, the Amended

^{~~129~~127} City of Marina Phase 1 Opening Brief at 13; M1W Exhibit M1W-01 at 2.

WPA contains sufficient performance guarantees to protect ratepayers. It also offers Cal-Am's customers treated water at a reasonable rate.

Without the PWM Expansion Project, Cal-Am's customers may face further water restrictions, such as rationing, in the near-term. On the basis of all these factors, we support the PWM Expansion Project, and authorize Cal-Am to enter into the Amended WPA and construct these three Company-related facilities, as just, reasonable, and in the public interest.

7. Ratemaking Treatment for Company-Related Facilities

Cal-Am proposes the Commission adopt a cost-cap for each Company-related facility, which is based on a revenue requirement Cal-Am developed for each facility based on the following: (1) construction work in progress (CWIP) balances, (2) plant additions, (3) in-service dates, and (4) other revenue requirement components (depreciation rates, ad valorem, uncollectibles, income tax rates, rate of return, and allowance for funds used during construction (AFUDC)).^{~~130~~128} The total estimated cost for the four Company-related facilities is \$81.065 million, as summarized in Table 1, below.^{~~131~~129}

Table 1. Summary of Company-Related Facilities Costs

Estimated Cost	Carmel Valley Pump Station	Parallel Pipeline	EW-1 and EW-2, Water Treatment	EW-3 and EW-4	Total Estimated Cost
Actuals to Date	\$5,053,540	\$6,912,779	\$6,231,231	\$13,780,522	\$31,978,072

^{~~130~~128} Cal-Am Exhibit CAW-02 at 20.

^{~~131~~129} Cal-Am Exhibit CAW-01 at 26.

Estimated Remaining Costs	\$1,421,703	\$4,017,000	\$16,410,500	\$27,237,750	\$49,086,953
Total Cost Estimate	\$6,475,243	\$10,929,779	\$22,641,731	\$41,018,272	\$81,065,025

As detailed in Attachment F, the budgets for each Company-related facility are segregated into three categories: (1) a percentage allocation of common actuals for the Regional Desalination Project and the MPWSP from January 2011 to October 2021; (2) direct project actuals from January 2011 through October 2021; and (3) estimated remaining costs to complete the facility from November 2021 through the operation date.

Cal-Am asks that costs up to the cost cap for each project be deemed reasonable. Cal-Am proposes to use a subaccount of the MPWSP Phase 1 Project Costs Memorandum Account to track the costs of: (1) the four Company-related facilities discussed in Section 6.9.1 to 6.9.4, including the AFUDC; (2) a pro-rated portion of the engineering and environmental costs; and (3) any portion of costs for Company-related facilities placed in service prior to the Commission approval herein. ¹³²¹³⁰

Cal-Am proposes to provide written notice to the Commission's Water Division within 30 days of the operation of each of the four Company-related facilities. ¹³³¹³¹ Cal-Am also requests approval to file Tier 2 Advice Letters, within 60 days of the written notice, to place the Company-related facilities projects into rates once they are used and useful, with one Tier 2 Advice Letter filed for each project. Each Tier 2 Advice Letter would address the following: (1) facilities that are used and useful; (2) whether the costs are reasonable; and (3) whether the

¹³²¹³⁰ Id. at 15-16.

¹³³¹³¹ Id. at 17.

facilities are appropriately sized.¹³⁴¹³² Cal-Am proposes the Commission authorize recovery up to the cost cap approved in this application as reasonable.¹³⁵¹³³ Cal-Am further proposes to recover all costs exceeding the authorized cost caps of the four Company-related facilities through a single Tier 3 Advice Letter filed with the Commission's Water Division upon the conclusion of the Company-related facilities' construction.¹³⁶¹³⁴

By placing the cost recovery for the four Company-related facilities into rates upon the project's operation, Cal-Am estimates the total impact on ratepayer costs from Company-related facilities and the cost for purchased water could be amortized incrementally, as summarized in Table 2, below.¹³⁷¹³⁵

Table 2. Proposed Revenue Increase Related to the PWM Project expansion

Monterey-Proposed Revenue Increase									
	Jan 2023 ¹³⁸¹³⁶		July 2024 ¹³⁹¹³⁷		Jan 2025 ¹⁴⁰¹³⁸		Sept 2025 ¹⁴¹¹³⁹		
Customer Class	\$ Increase	% Increase	\$ Increase	% Increase	\$ Increase	% Increase	\$ Increase	% Increase	Total \$ Increase
Residential	1,740,870	4.55%	4,590,103	11.48%	2,577,151	5.78%	4,991,359	10.58%	13,899,484
Multi-Residential	282,690	4.65%	1,106,026	17.38%	418,625	5.60%	810,527	10.27%	2,617,869
Commercial	840,560	4.29%	2,356,875	11.54%	1,244,144	5.46%	2,409,754	10.03%	6,851,334

¹³⁴¹³² *Ibid.*

¹³⁵¹³³ *Ibid.*

¹³⁶¹³⁴ *Id.* at 18.

¹³⁷¹³⁵ Application, Attach. B at 45.

¹³⁸¹³⁶ Includes revenue requirement increases for the Parallel Pipeline and Carmel Valley Pump Station (Approximately January 2023).

¹³⁹¹³⁷ Includes increase in purchased water surcharge (Approximately July 2024).

¹⁴⁰¹³⁸ Includes revenue requirement increases for Extraction Well 1&2 and Chemical Treatment Facility (Approximately January 2025).

¹⁴¹¹³⁹ Includes revenue requirement increases for Extraction Wells 3&4 (Approximately September 2025).

Industrial	4,204	4.35%	11,634	11.53%	6,222	5.53%	12,051	10.15%	34,111
Public Authority	165,333	4.43%	406,400	10.42%	244,721	5.68%	473,994	10.41%	1,290,448
Sale for Resale	972	9.17%	2,592	22.39%	1,439	10.16%	2,787	17.86%	7,791
Construction	13,218	5.57%	11,736	4.68%	19,543	7.45%	37,928	13.46%	82,425
	3,047,848		8,485,367		4,511,846		8,738,401		24,783,461

Cal-Am states that the Tier 2 advice letter and cost cap framework helps smooth out customer rate impacts and moderates the impact of the AFUDC. ¹⁴²140 Cal-Am proposes to track incremental O&M costs incurred between GRCs in the MPWSP O&M Memorandum Account and seek recovery as part of a subsequent GRC. ¹⁴³141

Parties either agree or do not object to the proposed recording of costs in a subaccount of the MPWSP Phase 1 Costs Memorandum Account, the use of cost caps for Company-related facilities, and the use of a Tier 2 Advice Letter process for rate recovery up to the cost cap.

Upon review, we also find reasonable Cal-Am's proposal to use a subaccount of the MPWSP to record Company-related facilities costs, to adopt a cost cap mechanism, and to use a Tier 2 Advice Letter for cost recovery of costs up to the cost cap. Cal-Am must submit a Tier 1 advice letter to the Commission's Water Division within 30 days of the date of issuance of this decision requesting to establish the PWM Expansion Project Costs Memorandum Account as a subaccount of the MPWSP Phase 1 Costs Memorandum Account for the purpose of tracking PWM Expansion Project costs. Cal-Am will make a one-time transfer of its allocated common actuals and direct common actuals to

¹⁴²140 Cal-Am Exhibit CAW-02 at 20.

¹⁴³141 *Id.* at 19.

the PWM Expansion Project Costs Memorandum Account, consistent with the amount found reasonable for cost recovery of Company-related facilities in Section 7.2.2.

Parties, however, dispute Cal-Am's proposed revenue requirement for the Company-related facilities and the mechanism to recover costs above the approved cost cap.

This decision finds that: (1) the Company-related facilities will be deemed used and useful upon operation unless the facilities do not operate as intended, as discussed in Section 7.1; (2) cost caps for Company-related facilities should be adjusted to include only those costs attributable to the PWM Project expansion, as discussed in Section 7.2; (3) the AFUDC should be set at the weighted-average-cost-of-debt, as discussed in Section 7.3; (4) the AFUDC should not be applied to labor overhead costs, as discussed in Section 7.4; and (5) costs above the cost cap can be proposed for recovery through Cal-Am's next general rate case, as discussed in Section 7.5.

**7.1. Used and Useful Determination and Rate Base
Adjustment Issues for the Parallel Pipeline,
1,100-foot section of the Transfer Pipeline,
and the Carmel Valley Pump Station**

Cal Advocates and Cal-Am dispute when and what portion of the Carmel Valley Pump Station, the Transfer Pipeline, and the 1,100-foot Transfer Pipeline will be deemed used and useful for the purpose of placing these facilities into rate base. This decision anticipates the Carmel Valley Pump Station, the Parallel Pipeline, and the 1,100-foot section of the Transfer Pipeline will be used and useful upon operation. The parties' positions related to a determination of when the Company-related facilities should be deemed used and useful and as well as

the need for rate base adjustments are summarized in Section 7.1.1 and discussed in Section 7.1.2.

7.1.1. Parties' Positions

Cal Advocates urges the Commission to reduce recovery of Cal-Am's revenue requirement for the Carmel Valley Pump Station and the Parallel Pipeline by 30% until such time as the 6.4 mgd desalination plant is completed. Cal Advocates reasons that these facilities were designed to carry approximately 30% of their water capacity from the desalination plant. As such, Cal Advocates argues that 30% of these facilities will not be used and useful until the 6.4 mgd desalination plant is completed. Cal Advocates, therefore, proposes the Commission reduce Cal-Am's revenue requirement recovery for the Carmel Valley Pump Station by 30%, which is a \$1,942,573 reduction.¹⁴⁴¹⁴² Similarly, it recommends a 30% revenue requirement reduction for the Parallel Pipeline, which is a \$2,899,104 reduction, based on the same argument.

In addition, Cal Advocates recommends the Commission remove the revenue requirement associated with a 1,100-foot portion of the 36-inch Transfer Pipeline from the revenue requirement requested for the Parallel Pipeline, arguing that the Transfer Pipeline will not be used and useful until the desalination plant is completed. Cal Advocates argues the Commission should reduce the cost recovery for the Transfer Pipeline by using the average cost of \$1,151 per foot of pipeline, for a total revenue requirement reduction of \$1,266,100.

Cal-Am opposes Cal Advocates' proposed 30% revenue requirement reduction because: (1) it misapplies the "used and useful" principle; (2) it would

¹⁴⁴¹⁴² Cal Advocates Phase 1 Opening Brief at 9.

greatly increase the AFUDC cost for customers; and (3) the Commission has previously rejected this approach to ratemaking.¹⁴⁵¹⁴³ First, Cal-Am argues that the “used and useful” principle “requires that utility property be actually in use and providing service in order to be included in rate base.”¹⁴⁶¹⁴⁴ Cal-Am sees Cal Advocates’ request to deny a portion of the costs of its Company-related facilities as diverging from the used and useful principle, arguing that it would set a “very unfortunate precedent and would likely produce great uncertainty and controversy in the review of future projects.”¹⁴⁷¹⁴⁵ Cal-Am also argues that the Carmel Valley Pump Station’s usefulness is independent of the desalination plant because the pump station is needed “to reverse the flow of water in the summer months and draw water from the Forest Lake Tanks in Pebble Beach to deliver native Seaside Basin groundwater, and water from the PWM [P]roject, the PWM [Expansion] Project [], and ASR stored in the Seaside Groundwater Basin to customers in Upper Carmel Valley.”¹⁴⁸¹⁴⁶

Second, Cal-Am argues that the AFUDC would be greatly increased if Cal-Am were to continue to accrue AFUDC on 30% of the Carmel Valley Pump Station and the Parallel Pipeline until such time as the desalination plant was in service, rather than recovering its revenue requirement upon operation of both projects.¹⁴⁹¹⁴⁷ Finally, Cal-Am points out that Cal Advocates made a similar argument to reduce recovery of the Monterey Pipeline and Monterey Pump

¹⁴⁵¹⁴³ Cal-Am Phase 1 Opening Brief at 26.

¹⁴⁶¹⁴⁴ *Id.* at 26, citing D.84-09-089 at 71-72.

¹⁴⁷¹⁴⁵ Cal-Am Phase 1 Opening Brief at 27.

¹⁴⁸¹⁴⁶ *Id.* at 20.

¹⁴⁹¹⁴⁷ *Id.* at 27.

Station in Resolution W-5200, to argue that there is precedent for rejecting Cal Advocates' 30% revenue requirement reduction request.¹⁵⁰¹⁴⁸

Cal-Am also opposes Cal Advocates' proposal to defer rate recovery for the 1,100-foot section of the Transfer Pipeline, arguing Cal Advocates cannot rely on the settlement terms adopted in D.10-12-016, which excludes the Transfer Pipeline from rate recovery until the desalination plant is built, because the settlement terms adopted in D.10-12-016 are not precedential or binding in this proceeding.¹⁵¹¹⁴⁹ Also, Cal-Am argues that the Transfer Pipeline facilities have evolved since the Commission approved the Regional Desalination Project in 2010, and this portion of the Transfer Pipeline is "now necessary to deliver water supplies from the PWM Project, PWM Project expansion, ASR and native Seaside Basin water rights from the Seaside Groundwater Basin via the extraction wells" independent of the construction of the MPWSP desalination facilities.¹⁵²¹⁵⁰

7.1.2. Discussion

When reviewing Cal Advocates' 30% rate reduction request, we first consider the question of when the Carmel Valley Pump Station, the Parallel Pipeline, and the Transfer Pipeline will be considered used and useful, and then determine whether a rate base adjustment is warranted.

Facilities can be added into rate base once they are used and useful, which occurs when the facility is actually in use and providing service.¹⁵³¹⁵¹ The entirety of a facility is typically considered used and useful. However, a rate

¹⁵⁰¹⁴⁸ *Id.* at 27-28.

¹⁵¹¹⁴⁹ *Id.* at 28-29.

¹⁵²¹⁵⁰ *Id.* at 29-30.

¹⁵³¹⁵¹ D.84-09-089.

base offset may be considered when facilities are overbuilt for their intended purpose.¹⁵⁴¹⁵² ~~A saturation adjustment is a type of rate base offset whereby the excess portions of an overbuilt utility plant or facility, financed or installed with equity capital, is excluded from rate base in determining the rates a utility can charge for service.~~¹⁵⁵ , ¹⁵³

~~The Commission has adjusted the rate base for overbuilt water system extensions which are installed in large tracts that have not subsequently been fully developed.~~¹⁵⁶ ~~The adjustment for water extensions in tracts proposed for new developments is based on a single, fixed percentage of the development (e.g., a 40% saturation adjustment on water extension piping based on development of 60% of the lots in the water extension area.)~~¹⁵⁷ ~~A saturation adjustment may also be appropriate when utility plant facilities only serve a portion of demand, in which case the cost of a suitable smaller facility is determined and the difference in cost between the actual facility and the suitable smaller facility is excluded from rate base.~~¹⁵⁸

¹⁵⁴¹⁵² Commission, Division of Water and Audits, Standard Practice for Processing Rate Offsets and Establishing and Amortizing Memorandum Accounts (Standard Practice U-27-W) (April 16, 2014).

~~¹⁵⁵ Commission, Water Branch, Standard Practice for Preparing Results of Operation Results for General Rate Increase Requests of Water Utilities Other than Major Companies (Standard Practice U-3-SM) (April 2006).~~

¹⁵³ For example, a saturation adjustment is a type of rate base offset whereby the excess portions of an overbuilt utility plant or facility, financed or installed with equity capital, is excluded from rate base in determining the rates a utility can charge for service. (Commission, Water Branch, Standard Practice for Preparing Results of Operation Results for General Rate Increase Requests of Water Utilities Other than Major Companies (Standard Practice U-3-SM) (April 2006)).

¹⁵⁶ ~~Ibid.~~

¹⁵⁷ ~~Ibid.~~

¹⁵⁸ ~~Ibid.~~

As an initial matter, we first consider when the Carmel Valley Pump Station, the 1,100-foot section of the Transfer Pipeline, and the Parallel Pipeline will be used and useful, and find that they will be useful upon operation. The first iteration of the Carmel Valley Pump Station (previously called the Valley Greens Pump Station) and the Transfer Pipeline were within a set of infrastructure called “Cal-Am facilities” which were first approved for the Regional Desalination Project in D.10-12-016.

In considering which aspects of the Regional Desalination Project should be considered used and useful, D.10-12-016 recognized a distinction between infrastructure designed to resolve the

two operational limitations of Cal-Am’s existing distribution system: 1) the facilities that will allow Cal-Am to maintain adequate water levels in the Forest Lake tanks during maximum day demand and 2) the facilities that will allow Cal-Am to move water from the Seaside area to the rest of the Monterey Peninsula.

from infrastructure designed solely to convey desalinated water from the delivery point to Cal-Am’s distribution system. For the former, including “conveyance, pumping, and reservoir facilities,” D.10-12-016 designated these facilities as used and useful for ratemaking purposes, even if the Regional Desalination Project (*i.e.* the desalination plant) was delayed for some reason.^{~~159~~154} For the latter, specifically the Transfer Pipeline, D.10-12-016 stated that this infrastructure would not be deemed used and useful until the Regional Desalination Project (*i.e.* the desalination plant) was completed.^{~~160~~155}

^{~~159~~154} D.10-12-016 at 61.

^{~~160~~155} *Ibid.*

While we are not bound by the settlement terms in D.10-12-016, we find the reasoning instructive in reviewing the Company-related facilities at issue here. We agree with Cal-Am that the Carmel Valley Pump Station's intended purpose of pumping water into the Upper Carmel Valley during the summer months makes it useful independent of the operation of the desalination plant. Consistent with D.10-12-016's logic, we find the Carmel Valley Pump Station used and useful when it is in service because we recognize it as infrastructure designed to resolve the operational limitations of Cal-Am's distribution system, allowing Cal-Am to move water from the Seaside Area to the rest of the Monterey Peninsula.

We similarly find the Parallel Pipeline and the 1,100-foot section of the Transfer Pipeline to be used and useful when it is in service as part of the "conveyance facilities" that allow Cal-Am to convey water pumped from the Seaside Basin to the rest of the Monterey Peninsula. In approving recovery of a revenue requirement for the 1,100-foot section of the Transfer Pipeline with recovery for the Parallel Pipeline, we find that this section of Transfer Pipeline will no longer be eligible for recovery upon completion of the 6.4 mgd desalination plant as part of the Transfer Pipeline.

Since the projected operation date of these facilities is July 2022, we expect that these facilities will be built prior to issuance of this decision. We also expect that the budgets proposed for these facilities are close to the actual recorded costs

Cal-Am will request in a Tier 2 Advice Letter filing for revenue recovery. Cal-Am's Tier 2 Advice Letter filing will provide the following: (1) description of the facilities that are used and useful, (2) whether the costs are reasonable, and (3) whether the facilities are appropriately sized. ~~If the Carmel Valley Pump~~

~~Station, the Parallel Pipeline, and the 1,100-foot section of Transfer Pipeline are not put into use as expected, Cal-Am must provide the cost of a suitable, smaller facility as well as the difference in cost between the actual facility and the suitable smaller facility such that the Commission may apply a saturation adjustment, as appropriate.~~¹⁵⁶

In its approval, the Water Division staff is authorized to approve the requested cost recovery, or reduce the allowed cost recovery to only that amount that satisfies the three costs factors.

7.2. Addressing the Reasonableness of Company-Related Facilities

The parties dispute the reasonableness of Cal-Am's proposed revenue requirement under the cost cap for each Company-related facility. This decision finds that Cal-Am's cost cap should be reduced to exclude costs not clearly attributable to the PWM Expansion Project. The parties' positions are summarized in Section 7.2.1 and discussed in Section 7.2.2.

7.2.1. Parties' Positions

According to Cal Advocates, Cal-Am's "actuals to date," "Indirect Overhead," "M1W," "Estimated Remaining Costs" cost categories for the extraction well facilities do not support a reasonableness and prudence finding, and should be excluded from the proposed budget.¹⁶¹¹⁵⁷ Cal Advocates recommends the Commission reduce the cost cap for the EW-1, EW-2, and the water treatment facility from \$22,641,731 to \$11,336,000 and reduce the cost cap

¹⁵⁶ If the Carmel Valley Pump Station, the Parallel Pipeline, and the 1,100-foot section of Transfer Pipeline are not put into use as expected, Cal-Am must provide the cost of a suitable, smaller facility as well as the difference in cost between the actual facility and the suitable smaller facility such that the Commission may consider the reasonableness of requested cost recovery, as appropriate.

¹⁶¹¹⁵⁷ Cal Advocates Phase 1 Opening Brief at 11.

for the EW-3, EW-4, and the associated piping facility from \$41,018,272 to \$18,842,000.¹⁶²¹⁵⁸ Cal Advocates states that its proposed cost caps are reasonable because they are based on Cal-Am's previously proposed costs for ASR-5 and ASR-6.¹⁶³¹⁵⁹ Cal Advocates also urges the Commission to consider the Commission's recent authorization of \$1.9 million for Cal-Am's Lower Carmel Valley well project -- which included engineering, permitting, design, and construction -- to suggest that Cal-Am's proposed costs for the Company-related facilities here are excessive.¹⁶⁴¹⁶⁰ Cal Advocates reasons that the Commission can approve the lower rate cap, and allow Cal-Am to seek recovery of any additional costs through an applicable GRC proceeding, where the reasonableness of cost recovery above the cost caps can be reviewed.¹⁶⁵¹⁶¹

MPWMD supports Cal Advocates' proposed revenue reductions.¹⁶⁶¹⁶² MPWMD is concerned that allocation of the common costs for the Company-related facilities include MPWSP sunk costs as opposed to costs entirely related to the PWM Expansion Project.¹⁶⁷¹⁶³ MPWMD points out that the Parallel Pipeline and extraction wells EW-1 and EW-2 were not part of the MPWSP but have been allocated costs beginning as early as January 2011.¹⁶⁸¹⁶⁴ MPWMD also speculates that the cost of extraction wells EW-3 and EW-4 may be twice as much as wells EW-1/EW-2 because this well site was the former site of

¹⁶²¹⁵⁸ *Id.* at 9-10.

¹⁶³¹⁵⁹ *Id.* at 10.

¹⁶⁴¹⁶⁰ *Ibid.*

¹⁶⁵¹⁶¹ *Ibid.*

¹⁶⁶¹⁶² MPWMD Phase 1 Opening Brief at 17.

¹⁶⁷¹⁶³ MPWMD Exhibit MPWMD-01 at 17.

¹⁶⁸¹⁶⁴ *Ibid.*

wells ASR-5/ ASR-6, which was part of the MPWSP.¹⁶⁹¹⁶⁵ Finally, MPWMD points out that Cal-Am allocated significant costs to all four facilities on several dates (September 2015, January 2018, August 2020, etc.) without sufficient information to identify whether the allocations were appropriate.¹⁷⁰¹⁶⁶

PWN supports Cal Advocates' proposed cost caps, arguing Cal-Am's \$81,065,025 infrastructure cost estimate is excessive.¹⁷¹¹⁶⁷ PWN suggests that the Parallel Pipeline could have been built any time after 1995, which would have made the cost cheaper for ratepayers.¹⁷²¹⁶⁸ M1W and MCWD take no position on Cal-Am's proposed budget and request for a cost cap.¹⁷³¹⁶⁹

7.2.2. Discussion

In considering the reasonableness of the Company-related facilities costs, we return to the used and useful principle, which requires ratepayers to bear only the reasonable costs of those projects which provide direct and ongoing benefits or are used and useful in providing adequate and reasonable service to the ratepayers.¹⁷⁴¹⁷⁰ Projects which never reach fruition, by definition, fail to be used and useful to ratepayers.¹⁷⁵¹⁷¹

The cost cap for all four Company-related facilities includes costs starting as early as 2011.¹⁷⁶¹⁷² Early 2011 through summer of 2014 corresponds to the

¹⁶⁹¹⁶⁵ *Ibid.*

¹⁷⁰¹⁶⁶ *Ibid.*

¹⁷¹¹⁶⁷ PWN Phase 1 Reply Brief at 1-2.

¹⁷²¹⁶⁸ *Ibid.*

¹⁷³¹⁶⁹ M1W Phase 1 Opening Brief at 15; MCWD Phase 1 Opening Brief at 5.

¹⁷⁴¹⁷⁰ D.84-09-089.

¹⁷⁵¹⁷¹ *Ibid.*

¹⁷⁶¹⁷² Cal-Am Exhibit CAW-02, Attach. 3.

period when Cal-Am initially planned to complete Phase 1 of its Regional Desalination Project, though Cal-Am later withdrew its petition for clarification of D.10-12-016 and filed a new application, A.12-04-019, seeking approval of the MPWSP, which included a desalination plant among other components. From 2012 to the present day, Cal-Am pursued the MPWSP, some elements of which are still ongoing.

As MPWMD correctly points out and Cal-Am acknowledges, the Parallel Pipeline was not contemplated as part of either the Regional Desalination Project or the MPWSP. Therefore, we see no basis for allocating 12% of common actuals through October 2021 to the Parallel Pipeline and reduce the cost cap by \$2,665,124, from \$10,930,000 to \$8,264,655.

Turning to the two extraction well facilities, we first note that the PWM Expansion Project, including all four extraction wells, was rejected by the Commission in D.18-09-017, and excluded from the MPWSP prior to this application.^{~~177~~173} As discussed in Section 6.5, the environmental review for the PWM Expansion Project was conducted and resulted in a SEIR; this was after the EIR was adopted for the MPWSP, distinguishing environmental review costs from MPWSP common actuals.

Therefore, we agree with MPWMD and Cal Advocates that budgeting for the extraction well facilities should be separated from MPWSP common costs. As the EW-1/EW-2 facility was not part of the MPWSP, we see no basis for allocating 28% of common actuals through October 2021 to the EW-1/EW-2 facility and adopt a cost cap of \$16,723,704.

^{~~177~~173} D.18-09-017.

Turning to the EW-3/EW-4 facility, we note that wells EW-3 and EW-4 are sited in the same location as wells ASR-5 and ASR-6, which were approved for the ASR project as part of the MPWSP. Cal-Am argues that ASR-5 and ASR-6 are the same wells as extraction wells EW-3 and EW-4.¹⁷⁸¹⁷⁴ However, since wells ASR-5 and ASR-6 were considered and approved as part of the ASR project while wells EW-3 and EW-4 were rejected by the Commission as part of the PWM Expansion Project in D.18-09-017, we reject Cal-Am's argument because it could not reasonably have assumed to be simultaneously incurring the same costs for both an approved and a rejected project at the same time on the same two wells. Since ASR-5 and ASR-6 were never built, ratepayers never received the benefit of their use as part of the ASR program and should not bear costs related to their design, planning, and environmental review. Also, the EW-3/EW-4 facility is still in the permitting and design phase, and the adopted budget should reflect this early stage of project development. Accordingly, we find it appropriate to exclude the 51% of common actuals for the MPWSP through 2021 allocated to the EW-3/EW-4 facility, reducing the cost cap by \$10,797,064, from \$41,018,000 to \$30,220,960, as reasonable.

Finally, we approve the proposed cost cap for the Carmel Valley Pump Station as proposed by Cal-Am. The Carmel Valley Pump Station was first approved as the Valley Greens Pump Station as part of the Regional Desalination Project and later as part of the Remaining Cal-Am Only Facilities in the MPWSP. While the name and location of the Valley Greens Pump Station have changed, the purpose of this pump station remains the same (*i.e.*, to pump water to part of the Monterey System affected by the SWRCB cease and desist order).

¹⁷⁸¹⁷⁴ Cal-Am Opening Comments on the Proposed Decision at 8.

Accordingly, we approve the cost cap of \$6,475,243 for the Carmel Valley Pump Station as reasonable.

7.3. Setting the AFUDC Rate at the Actual Weighted-Average-Cost-of-Debt

Cal-Am calculates a total AFUDC of approximately \$7,741,935 based on its estimated revenue requirement for the four Company-related facilities.¹⁷⁹¹⁷⁵ Cal-Am proposes to accrue AFUDC at the rate of its actual cost to fund construction, applying the actual cost to the net average monthly investment carried in the MPWSP Phase 1 Project Costs Memorandum Account.¹⁸⁰¹⁷⁶ This includes \$7.4 million¹⁸¹¹⁷⁷ of short-term debt used to fund Cal-Am's MPWSP costs prior to October 2021.¹⁸²¹⁷⁸ Cal-Am's actual cost of debt prior to October 2021 is reflected in its 7.61% rate of return, which consists of short-term and long-term debt and equity. Cal-Am's rate of return in 2022 and later years will be based on the rate of return adopted in the 2021 cost of capital proceeding (A.21-05-001).

This decision adopts the actual weighted-average-cost-of-debt incurred by Cal-Am as the AFUDC rate. The parties' dispute regarding the appropriate AFUDC rate is summarized in Section 7.3.1 and discussed in Section 7.3.2.

7.3.1. Parties' Positions

¹⁷⁹¹⁷⁵ Cal Advocates Exhibit Cal Adv-01 at 10, fn. 43.

¹⁸⁰¹⁷⁶ Cal-Am Exhibit CAW-02 at 19.

¹⁸¹¹⁷⁷ Under the terms of the comprehensive settlement term adopted in D.18-09-017, American Water Works Capital Corp (AWWCC), a subsidiary of American Water Works Company, Inc. (which is the parent company of Cal-Am), would finance \$20 million in MPWSP funds using short-term debt, with \$12.6 million allocated to desalination costs and \$7.4 million allocated to other project costs. Cal-Am used the short-term financing prior to October 2021. (D.18-09-017 at 143 fn. 388, 195 (COL #19).)

¹⁸²¹⁷⁸ Cal-Am Exhibit CAW-02 at 23.

Cal Advocates argues that the Commission should authorize an AFUDC interest rate of 1.16%, rather than Cal-Am's full rate of rate of return.¹⁸³¹⁷⁹ Cal Advocates contends the short-term borrowing rate is appropriate because AWWCC is financing the CWIP at an average short-term borrowing rate of 1.16%.¹⁸⁴¹⁸⁰ Cal Advocates contends that ratepayers should not have to pay over six times the actual cost of Cal-Am's short-term borrowing costs, noting that this interest rate increase is profit that will compound when the interest is included as rate base upon the operation of the Company-related facilities.¹⁸⁵¹⁸¹ Cal Advocates urges the Commission to adopt the short-term borrowing rate of 1.16%, acting as a substitute for competition and a preventing Cal-Am from collecting a rate of return which would "would not be tolerated in a competitive environment."¹⁸⁶¹⁸² MPWMD supports Cal Advocates' proposed AFUDC interest rate reduction.¹⁸⁷¹⁸³

Cal-Am opposes Cal Advocates' AFUDC interest rate reduction proposal, arguing that it has been funding construction with short-term debt, long-term debt, and equity.¹⁸⁸¹⁸⁴ Cal-Am states that it would have to restate its AFUDC from the beginning of 2011 if the Commission were to adopt Cal Advocates' recommendation.¹⁸⁹¹⁸⁵

7.3.2. Discussion

¹⁸³¹⁷⁹ Cal Advocates Phase 1 Opening Brief at 13-14.

¹⁸⁴¹⁸⁰ Cal Advocates Exhibit PAO-01 at 8-9.

¹⁸⁵¹⁸¹ *Id.* at 9.

¹⁸⁶¹⁸² Cal Advocates Phase 1 Opening Brief at 14.

¹⁸⁷¹⁸³ MPWMD Phase 1 Opening Brief at 17.

¹⁸⁸¹⁸⁴ Cal-Am Phase 1 Opening Brief at 34.

¹⁸⁹¹⁸⁵ Cal-Am Phase 1 Reply Brief at 22.

AFUDC is typically determined on a project-by-project basis. The Commission considers three risk factors when determining the AFUDC of a project: (1) the capital-intensive nature of the project, (2) the length of time for construction, and (3) permitting needs.¹⁹⁰¹⁸⁶ The Commission historically viewed short-term projects (usually completed in less than a year) or projects with a high certainty of completion as low-risk, often allowing for AFUDC at less than the utility's authorized rate of return. The Commission also considered the completion of permitting, such as the environmental review process, as lowering project risk.¹⁹¹¹⁸⁷

The Commission views long-term, capital-intensive, or projects needing environmental review as higher risk, and has historically authorized an AFUDC rate at the utility's rate of return to reflect the risks or actual projected costs of the project. If it can be shown that actual carrying costs are less than the authorized rate of return, (i.e., closer to the cost of debt), the Commission has, at times, adjusted the AFUDC to the cost of debt.^{192188,193189} For example, in D.03-09-022, the Commission authorized an AFUDC of a project, determining that:

[it] remains unclear at this time when (or whether) any plant construction will commence. Therefore, allowing these preliminary costs to earn the utility's authorized rate of return now carries with it a significant risk that the ratepayers may never receive the benefits of these expenditures.¹⁹⁴¹⁹⁰

¹⁹⁰¹⁸⁶ D.08-05-036.

¹⁹¹¹⁸⁷ *Id.* at 17.

¹⁹²¹⁸⁸ See D.08-05-036 at 13.

¹⁹³¹⁸⁹ *Id.* at 16.

¹⁹⁴¹⁹⁰ D.03-09-022 at 22.

We have reviewed the PWM Expansion Project and find that length of the project, the capital-intensive nature of the project, and the multitude of pending environmental permits warrant use of an AFUDC rate at the weighted average cost-of-debt Cal-Am incurred. The PWM Expansion Project is expected to take an additional two to three years to complete, exceeding the one-year average for short-term projects. The PWM Expansion Project is also capital intensive, necessitating an estimated \$49,086,577 million in additional funding to construct or complete four extraction wells, a chemical treatment facility, a pump station, a 36-inch pipeline, and associated piping. Finally, water quality permits have proven to be a significant risk to the success of the PWM Project and may continue to pose risks to the operation of the PWM Expansion Project. However, we do not include the equity component of Cal-Am's request in order to further incentivize timely completion of the PWM Expansion Project. Granting recovery at the weighted-average-cost-of-debt strikes a balance between Cal-Am's assumed risk for the project and ratepayer protections in the event that construction is unduly delayed. Accordingly, we authorize an AFUDC at the weighted average cost of-debt Cal-Am incurred over the course of the PWM Expansion Project for the EW-1/EW-2 facility, the EW-3/EW-4 facility, and the Parallel Pipeline.

Since we allow recovery for the Carmel Valley Pump Station since 2011, for costs incurred under its previous iteration as the Valley Green Pump Station, in D.18-09-017 and D.10-12-016, we will also allow AFUDC recovery for the Carmel Valley Pump Station at the previously authorized AFUDC rate. From the effective date of D.10-12-016 to the effective date of D.18-09-017 for the Carmel Valley Pump Station is authorized an AFUDC rate of four percent which Cal-Am

may true-up to reflect actual carrying costs.¹⁹⁵¹⁹¹ From the effective date of D.18-09-017 to the present, Cal-Am may recover the AFUDC rate at the actual cost of funds used to fund the project.¹⁹⁶¹⁹²

7.4. Removing Labor Overhead from the AFUDC

Cal-Am includes \$165,431 in labor overhead costs when calculating the AFUDC for the Company-related facilities.¹⁹⁷¹⁹³ Cal Advocates opposes including the labor overhead costs when calculating AFUDC, arguing that internal labor overhead is already allocated in Cal-Am's GRC.¹⁹⁸¹⁹⁴ According to Cal Advocates, allowing Cal-Am to recover financing costs for internal labor overhead would result in double recovery.¹⁹⁹¹⁹⁵

We have reviewed the record related to AFUDC calculations and agree with Cal Advocates' arguments. Labor overhead is already included in the rates approved through Cal-Am's GRC and should not accrue AFUDC. Cal-Am must remove labor overhead costs when calculating the AFUDC for Company-related facilities.

7.5. Recovery of Costs above the Cost Cap

Parties generally support or do not object to Cal-Am's tracking and cost recovery mechanism with the exception of Cal Advocates. Cal Advocates recommends that Cal-Am be allowed to seek cost recovery for amounts

¹⁹⁵¹⁹¹ D.10-12-016 at 145, 190-191 (FOFs 203,206, 207).

¹⁹⁶¹⁹² D.18-09-017 at 144-145, 186 (FOF 150).

¹⁹⁷¹⁹³ Labor Overhead costs include \$81,236 in labor overhead for "Allocated Common Actuals through October 2021" and \$84,195 in labor overhead for "Direct Project Actuals through October 2021." (Cal-Am Exhibit CAW-2 at 23-24 ("Attachment 3-6 AFUDC").)

¹⁹⁸¹⁹⁴ Cal Advocates Phase 1 Opening Brief at 15.

¹⁹⁹¹⁹⁵ *Id.* at 15.

exceeding the cost caps for the Company-related facilities in Cal-Am's next GRC, rather than through a consolidated Tier 3 advice letter. Cal-Am opposes Cal Advocates' proposal, arguing that review in the next GRC would delay recovery of costs by years.^{~~200~~196}

After considering the matter, we find it prudent to allow Cal-Am to recover costs above the cost cap through its next applicable GRC proceeding. The GRC will allow for adequate record development to review these additional costs. As discussed in Section 1.2.1, Cal-Am may also file an application or the Commission may issue an OII to determine the reasonableness of Cal-Am's expenditures for common actuals for the MPWSP in the event the desalination plant is not constructed in a timely manner or fails to operate appropriately.

8. Public Comments

Pursuant to Rule 1.18(a) of the Commission's Rules of Practice and Procedure,^{~~201~~197} all written public comments submitted in a proceeding that are received prior to the submission of the record will be entered into the administrative record of that proceeding. Pursuant to Rule 1.18(b), relevant written comments submitted in a proceeding will be summarized in the final decision issued in the proceeding.

Prior to the submission of the record in Phase 1 of this proceeding on July 27, 2022, 16 public comments were received and are available for review in the public comments tab of the docket card for this proceeding. The public comments all appear to be submitted by customers in Cal-Am's service area. The

^{~~200~~196} Cal-Am Phase 1 Opening Brief at 18.

^{~~201~~197} All references to "Rule" or "Rules" shall refer to the Commission's Rules of Practice and Procedure.

public comments uniformly oppose further rate increases proposed in this application, and many customers mention that they already pay the highest water rates in the nation.

No parties to this proceeding responded to, or cited, any public comment in their filings in this proceeding, as allowed by Rule 1.18(b). As the public comments were general and consistent with public comments routinely submitted in utility applications requesting rate increases, no further party comment was requested in the course of Phase 1 of this proceeding pursuant to Rule 1.18(d).

9. Comments on Proposed Decision

The proposed decision of ALJ Zita Kline in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed by Cal-Am, MPWMD, M1W, MCWD, City of Marina, and Cal Advocates on October 25, 2022. Reply comments were filed by Cal-Am, M1W, MPWMD, MCWD, City of Marina, Cal Advocates, and PWN on October 25, 2022.

Revisions to the proposed decision made in response to party comments are discussed below and incorporated throughout the decision. Party positions which merely restate arguments made during the course of the proceeding are not addressed further.

9.1. Authorization to Construct the EW-1/EW-2 Facility

The proposed decision initially deferred authorization to construct or approval of a budget cap for the EW-1/EW-2 facility to Phase 2 of this proceeding.

In comments, MPWMD states its view that the treatment of mercury above MCLs is a “normal occurrence” and considers the Commission’s review in Phase 2 of this proceeding as an “unfortunate delay.”²⁰²¹⁹⁸ MPWMD recommends the Commission approve the EW-1/EW-2 facility in this decision and “order Cal-Am to respond within 30 days with any abatement actions taken since September 2021 to address mercury treatment at the Seaside Middle School locations should they be needed.”²⁰³¹⁹⁹ MPWMD views the “Response to Inquiry” ordered in the proposed decision as outside the scope of the proceeding identified in Phase 1 and outside the scope of Phase 2 issues.²⁰⁴²⁰⁰

City of Marina views the Commission’s further review of water quality issues in Phase 2 as “undermining the Proposed Decision’s approval of the Amended WPA” and recommends the Commission review water quality issues, authorize construction of the EW-1/EW-2 facility, and adjust the cost cap for the EW-1/EW-2 facility through a Tier 2 advice letter filed within 60-days of a final Phase 1 decision.²⁰⁵²⁰¹

MCWD recommends the Commission review any water quality concerns using an advice letter process, which MCWD believes would be more expeditious than including review in Phase 2 of this proceeding.²⁰⁶²⁰² MCWD believes that, since the Commission’s Water Division “monitors water quality

²⁰²¹⁹⁸ MPWMD Opening Comments on the Proposed Decision at 3.

²⁰³¹⁹⁹ *Ibid.*

²⁰⁴²⁰⁰ *Id.* at 2.

²⁰⁵²⁰¹ City of Marina Opening Comments on the Proposed Decision at 9-12.

²⁰⁶²⁰² MCWD Opening Comments on the Proposed Decision at 4-5.

and operations matters,” that the Water Division should address water quality concerns through either a Tier 2 or a Tier 3 advice letter process.²⁰⁷²⁰³

M1W supports the City of Marina’s proposal to review mercury concerns through the advice letter process.²⁰⁸²⁰⁴ PWN agrees that mercury issues can be dealt with through an advice letter process.²⁰⁹²⁰⁵

Cal-Am states that, while a deferral on the EW-1/EW-2 facility is not necessary, it is prepared to file the “Response to Inquiry” ordered in the proposed decision.²¹⁰²⁰⁶ However, review of the EW-1/EW-2 facility water quality issues through an advice letter process is amenable to Cal-Am because it would allow Cal-Am to move forward with construction of the facilities sooner.²¹¹²⁰⁷

Cal Advocates does not oppose further consideration of water quality issues in Phase 2 of this proceeding, but requests the Commission provide parties with at least 15 days to provide comments on the “Response to Inquiry.”²¹²²⁰⁸

We have reviewed the parties’ comments and agree that water quality issues at the EW-1/EW-2 can be assessed through a Tier 3 advice letter, and amend the decision accordingly.

²⁰⁷²⁰³ *Id.* at 5.

²⁰⁸²⁰⁴ M1W Opening Comments on the Proposed Decision at 4.

²⁰⁹²⁰⁵ PWN Reply Comments on the Proposed Decision at 1.

²¹⁰²⁰⁶ Cal-Am Reply Comments on the Proposed Decision at 3.

²¹¹²⁰⁷ *Id.* at 3.

²¹²²⁰⁸ Cal Advocates Opening Comments on the Proposed Decision at 1-2.

9.2. Claims of Retroactive Reduction of Cal-Am's AFUDC

The proposed decision initially sets the AFUDC for all company-related facilities at the same rate, which is the weighted-average-cost of debt.

Cal-Am argues that the proposed decision errs in adopting a retroactive reduction in the AFUDC for the Company-related facilities by limiting the AFUDC accrual to the weighted-average-cost of debt. Cal-Am asserts that it properly accrued AFUDC for the Company-related facilities with a mixture of short-term debt, long-term debt, and equity in compliance with D.16-09-021 and D.18-09-017.²¹³²⁰⁹ According to Cal-Am, neither the caselaw cited ~~not~~^{nor} the record evidence support the proposed decision's adoption of the weighted-average-cost of debt over Cal-Am's proposed AFUDC rate.²¹⁴²¹⁰ Cal-Am estimates the proposed decision's adopted AFUDC rate lowers Cal-Am's recovery by \$7 to \$9 million if the AFUDC rate is intended to apply to the desalination plant costs as well.²¹⁵²¹¹ Cal-Am argues that such a substantial capital structure adjustment needs to be recognized in the current cost-of-capital proceeding (A.21-05-001), particularly with respect to the impact on return on equity.²¹⁶²¹²

Cal-Advocates disagrees with Cal-Am's assertion, arguing that the proposed decision does not violate the prohibition on retroactive ratemaking because the AFUDC is typically determined on a project-by-project basis and the Commission did not establish an AFUDC for the PWM Expansion Project in any

²¹³²⁰⁹ Cal-Am Opening Comments on the Proposed Decision at 3.

²¹⁴²¹⁰ *Id.* at 4-5.

²¹⁵²¹¹ *Id.* at 3.

²¹⁶²¹² Cal-Am Opening Comments on the Proposed Decision at 3.

prior proceeding.²¹⁷²¹³ Cal Advocates argues that the proposed decision aligns well with the cost of capital proceeding, which sets the rate of return on rate base during the years 2022-2024.²¹⁸²¹⁴ All project costs, including AFUDC, will be included in rate base once they become used and useful, earning Cal-Am's full rate of return.²¹⁹²¹⁵ This is also consistent with Pub. Util. Code Section 451, which requires rates to be just and reasonable.²²⁰²¹⁶

We reviewed the parties' comments and considered the merit of Cal-Am's claims that the AFUDC for any of the Company-related facilities was determined in prior Commission decisions. D.16-09-021 adopted an AFUDC for the original PWM Project but did not contemplate the AFUDC for any of the Company-related facilities for the PWM Expansion Project herein. Therefore, D.16-09-021 is not controlling and does not implicate any retroactive ratemaking concerns. With regard to D.18-09-017, this decision considered and rejected authorization of the PWM Expansion project. Therefore, we agree with Cal-Advocates that the Commission did not approve or establish an AFUDC for the PWM Expansion project in any prior proceeding.

However, the proposed decision allows Cal-Am to include post-construction authorization of the Carmel Valley Pump Station as part of the Company-related facilities reviewed in this proceeding. The proposed decision recognizes the Carmel Valley Pump Station as serving a substantially similar purpose as the Valley Greens Pump Station, for which D.18-09-017 allowed an

²¹⁷²¹³ Cal Advocates Reply Comments on the Proposed Decision at 2.

²¹⁸²¹⁴ *Id.* at 2-3.

²¹⁹²¹⁵ *Ibid.*

²²⁰²¹⁶ *Id.* at 3.

AFUDC rate recovery at the actual cost of funds used to fund the project.²²¹²¹⁷ Therefore, the proposed decision is amended to allow AFUDC recovery for the Carmel Valley Pump Station costs at the rate allowed for in D.18-09-017, from the effective date of that decision to the present. The proposed decision also recognizes that the Valley Greens Pump Station was approved by the Commission in D.10-12-016 and authorizes an AFUDC recovery at the rate authorized in this decision, which is an initial rate of four percent that Cal-Am may true-up to reflect actual carrying costs, from the effective date of D.10-12-016 to the effective date of D.18-09-017.²²²²¹⁸

9.3. Status of the MPWSP

The proposed decision details several permitting delays and community opposition to the 6.4 mgd desalination plant. However, City of Marina recommends the decision include all of the additional permitting and legal challenges that must be overcome for Cal-Am to build the 6.4 mgd desalination plant.²²³²¹⁹ MPWMD supports City of Marina's characterization of the many additional hurdles to construction of the 6.4 mgd desalination identified by City of Marina.²²⁴²²⁰

Cal-Am states that the CCC's CDP permit is the most significant permit required for construction of the desalination plant before construction can commence on the slant intake wells.²²⁵²²¹ Cal-Am notes the changed circumstances of the 6.4 mgd desalination plant, with CCC finding that Cal-Am's

²²¹²¹⁷ D.18-09-017 at 144-145, 186 (FOF 150).

²²²²¹⁸ D.10-12-016 at 145, 190-191 (FOFs 203, 206-207).

²²³²¹⁹ City of Marina Opening Comments on the Proposed Decision at 5-7.

²²⁴²²⁰ MPWMD Reply Comments on the Proposed Decision at 2.

²²⁵²²¹ Cal-Am Reply Comments on the Proposed Decision at 3-4.

application is complete and scheduling a hearing in November 2022 as well as what Cal-Am alleges is a recent agreement between CAW and M1W on the design of the slip liner, which will need to be approved by the CCC.²²⁶²²² Cal-Am argues that the 6.4 mgd desalination plant continues to move forward with the project, recently stating an intent to pursue a smaller 4.8 mgd.²²⁷²²³ Cal-Am urges the Commission to reject City of Marina's recommendations to make findings regarding the MPWSP that are already, or will soon be, outdated.²²⁸²²⁴

Upon review, we agree with City of Marina that the proposed decision does not include an exhaustive list of all permitting issues and potential litigation which could delay the construction of the MPWSP. We also agree with Cal-Am that making specific findings to the status of all pending permits, litigation, and other obstacles to the construction of the MPWSP will result in an update that may soon be outdated. We add additional but non-exhaustive issues brought by City of Marina and MPWMD to better reflect a more accurate portrayal of the current challenges to construction of the 6.4 mgd desalination plant while recognizing that Cal-Am may remedy some or all of them in the near or long-term.

9.4. Parties' Request to Adopt Water Demand Estimate

The proposed decision does not adopt water supply and demand estimates but finds the Phase 1 record sufficient to support a near-term need for PWM Expansion Project. In comments, MCWD recommends the Commission adopt Cal-Am's 5-year water demand estimate of 9,231 AFY as a finding of fact in this

²²⁶²²² *Ibid.*

²²⁷²²³ *Id.* at 4.

²²⁸²²⁴ *Ibid.*

Phase 1 decision.²²⁹²²⁵ Similarly, City of Marina, recommends the Commission adopt a decision which includes a water demand for Cal-Am's Monterey Peninsula customers of no more than 9,231 AFY.²³⁰²²⁶ Relatedly, MPWMD objects to Cal-Am's references to a water demand of 14,000 AFY in opening comments.²³¹²²⁷ Cal-Am opposes MCWD, City of Marina, and MPWMD's proposal to adopt a water demand estimate in Phase 1 of this decision as premature.²³²²²⁸

After review of the parties' comments and reply comments, we agree with Cal-Am any estimates of water supply and demand are properly adopted in Phase 2 of this proceeding.

9.5. Parties' Characterization of the PWM Expansion Project as an Alternative to the Desalination Plant

In opening comments, City of Marina characterizes the proposed decision's approval of the Amended WPA as for "an alternative water supply to the much-delayed and still not permitted [MPSWP]."²³³²²⁹ Cal-Am opposes City of Marina's characterization of the PWM Expansion Project as an "alternative water supply" to the MPWSP, considering the PWM Expansion Project as a source of supplemental water to Cal-Am while not alleviating the need for the MPWSP.²³⁴²³⁰

²²⁹²²⁵ MCWD Opening Comments on the Proposed Decision at 5.

²³⁰²²⁶ City of Marina Opening Comments on the Proposed Decision at 9.

²³¹²²⁷ MPWMD Reply Comments on the Proposed Decision at 2.

²³²²²⁸ Cal-Am Reply Comments on the Proposed Decision at 4-5.

²³³²²⁹ City of Marina Opening Comments on the Proposed Decision at 2,4.

²³⁴²³⁰ Cal-Am Reply Comments on the Proposed Decision at 3-4.

We have reviewed the parties' comments and make no substantive changes to the decision. The term "alternative source of water," as used in this decision, considers all new sources of water as alternatives to Cal-Am's diversion of water from the Carmel River. As stated in the factual background of the proposed decision:

California American Water Company (Cal-Am or Company) has been looking to provide ~~alternative~~alternatives to Carmel River water sources ~~of water~~ to its customers on the Monterey Peninsula since 1995, when the State Water Resources Control Board (SWRCB) issued a cease and desist order requiring Cal-Am to stop the unlawful diversion of 10,730 acre-feet per year (AFY) of water from the Carmel River. ²³⁵231

There is no discussion of the PWM Expansion Project as an alternative to the MPWSP and none should be inferred from this decision, which is limited to Phase 1 issues.

9.6. The Purpose of the Carmel Valley Pump Station

In comments, MPWMD states that the proposed decision's characterization of the purpose of the Carmel Valley Pump Station as unchanged from the purpose of the Valley Greens Pump Station is in error. According to MPWMD, the purpose of the Carmel Valley Pump Station differs from the Valley Greens Pump Station because the Carmel Valley Pump Station no longer functions to move excess winter flows from the Carmel River out of the valley for injection into the Seaside Basin as part of the ASR. ²³⁶232

Cal-Am opposes MPWMD's characterization of the Valley Greens Pump Station as having a different purpose of than the Carmel Valley Pump Station

²³⁵231 SWRCB Order WR 95-10 (Jul. 5, 1995).

²³⁶232 MPWMD Opening Comments on the Proposed Decision at 3-4.

and supports the proposed decision's description.²³⁷²³³ Cal-Am indicates that the only description of the Valley Greens Pump Station in either D.10-12-016 or D.18-09-017 is D.10-12-016's reference to the settlement agreement adopted in the proceeding, which state:

This booster station will pump water to the Segunda Tanks (Numbers 1 and 2), to help provide operational flexibility in maintaining storage levels in the Forest Lake Tanks, while also allowing the transfer of treated water from Begonia Iron Removal Plant to Seaside for ASR injection and for meeting system demands.²³⁸²³⁴

We have reviewed these comments and determined that no change is necessary to the proposed decision.

9.7. Use of a Saturation Adjustment

Cal-Am objects to the proposed decision's contemplation of the use of a saturation adjustment as contrary to the Commission's practice of applying such adjustments only to circumstances involving new developments and facilities that are not used and useful, asserting those circumstances are not applicable here.²³⁹²³⁵ Cal-Am objects to the proposed decision's language proposing to apply a saturation adjustment in the event Company-related facilities "are not put into use as expected" as inappropriate, misleading, and a confusing addition to the Tier 2 advice letter review process.²⁴⁰²³⁶

We have considered Cal-Am's comments and find that the potential for application of a saturation adjustment is consistent with Commission past

²³⁷²³³ Cal-Am Reply Comments on the Proposed Decision at 5.

²³⁸²³⁴ *Id.* at 5.

²³⁹²³⁵ Cal-Am Opening Comments on the Proposed Decision at 12.

²⁴⁰²³⁶ *Id.* at 13.

practice here, where Cal-Am has requested recovery based on facilities approved with different names for different projects, sometime multiple different projects, which were never built. The Commission has taken great care to conduct a review of Cal-Am's projects related to water supply issues on the Monterey Peninsula since 2010 in an attempt to match past projects with the purposes of Cal-Am's proposed facilities for the PWM Expansion Project, finding connections where those were reasonable. The proposed decision defines the purpose of the proposed Company-related facilities for the PWM Expansion clearly and cost recovery should present no confusion if Cal-Am builds the four approved facilities and requests recovery on its proposed timeline for the PWM Expansion Project. To the extent the facilities are used and useful there will not be a need for application of a saturation adjustment.

9.8. Other Technical and Factual Errors

This section addresses parties' comments regarding various perceived technical and factual errors in the proposed decision. First, Cal Advocates, M1W, MPWMD, City of Marina, and MCWD join in pointing out a list of minor factual and technical errors in opening comments.²⁴¹²³⁷ Cal-Am and PWN do not take a position on these proposed corrections.²⁴²²³⁸ We find these recommendations reasonable and incorporate them in the final decision.

Second, M1W, MPWMD, and MCWD request that statements related to MCWD's separate agreement with M1W and MCWD for water provided from

²⁴¹²³⁷ Cal Advocates Opening Comments on the Proposed Decision at 3-6; M1W Opening Comments on the Proposed Decision at 7; City of Marina at 12-13; MCWD Opening Comments on the Proposed Decision at 8-11; MPWMD Opening Comments at 2.

²⁴²²³⁸ Cal-Am Reply Comments on the Proposed Decision; PWN Reply Comments on the Proposed Decision.

the PWM Expansion Project be removed from Section 6.2 of the proposed decision. According to these parties, the proposed decision implies that MCWD is a party to the Amended WPA. Upon review, it appears that MCWD, M1W, and MPWMD equate the Amended WPA with the PWM Expansion Project. Therefore, the decision is amended to clarify that MCWD receives an entitlement from M1W's AWTF through a separate agreement and not from the Amended WPA or the PWM Expansion Project. This correction explains M1W's development costs more accurately and is relevant to the ultimate cost recovery M1W will seek from Cal-Am's ratepayers through its cost of water sold through the Amended WPA.

Third, Cal Advocates advises the Commission to modify the proposed decision's characterization of Cal-Am's actual rate of return to remove the equity component.²⁴³²³⁹ Cal-Am states that both the proposed decision's and Cal Advocates' characterizations are in error and suggests two alternative ways to characterize Cal-Am's rate of return.²⁴⁴²⁴⁰ We adopt Cal-Am's suggestions for FOF 66 to remove the reference to short-term debt.

Fourth, Cal-Am proposes to change FOF 12 to clarify that Phase 2 of this proceeding will consider the sufficiency of source water for long-term water supply planning purposes to prevent prejudging of Phase 2 issues.²⁴⁵²⁴¹ M1W opposes Cal-Am's proposal to modify FOF as an attempt to relitigate Phase 1 issues, which include a review of source waters.²⁴⁶²⁴² Upon review, the

²⁴³²³⁹ Cal Advocates Opening Comments on the Proposed Decision at 2-3, App. A.

²⁴⁴²⁴⁰ Cal-Am Reply Comments on the Proposed Decision at 1-2.

²⁴⁵²⁴¹ Cal-Am Opening Comments on the Proposed Decision at 15.

²⁴⁶²⁴² M1W Reply Comments on the Proposed Decision at 2-3.

Commission finds Cal-Am's arguments persuasive and modifies FOF 12 to clarify that the Commission's review of source waters for the purpose of reviewing the Amended WPA is separate from its consideration of source waters for long-term planning purposes.

Fifth, Cal-Am proposes to modify the language of FOF 4, to state that Cal-Am and M1W have agreed to the design of the slip liner and the design is 95% complete.²⁴⁷²⁴³ M1W opposes Cal-Am's proposed language, arguing that the current language of FOF 4 in the proposed decision is correct.²⁴⁸²⁴⁴ Upon review, we find the rationale behind M1W's opposition to the Cal-Am's proposed language persuasive and keep the language of FOF 4 unchanged.

Sixth, Cal-Am proposes to eliminate FOF 5, which finds that City of Marina has not approved a ~~CPD~~CDP for a needed liner for discharge of effluent.²⁴⁹²⁴⁵ City of Marina opposes Cal-Am's suggested deletion as wrong as a matter of fact and law.²⁵⁰²⁴⁶ Upon review, we do not change FOF 5.

Seventh, Cal-Am objects to the proposed decision's statement that Cal-Am "abandoned its efforts at a desalination plant in 2012" as inaccurate.²⁵¹²⁴⁷ Cal-Am goes on to more fully describe the circumstances of the withdrawal of its petition for clarification of the Regional Desalination Project and its filing of Application 12-04-019, seeking approval of the MPWSP.²⁵²²⁴⁸ We find Cal-Am's request to

²⁴⁷²⁴³ Cal-Am Opening Comments on the Proposed Decision at 14-16.

²⁴⁸²⁴⁴ M1W Reply Comments on the Proposed Decision at 3-4.

²⁴⁹²⁴⁵ Cal-Am Opening Comments on the Proposed Decision at 15-16.

²⁵⁰²⁴⁶ City of Marina Reply Comments on the Proposed Decision at 5.

²⁵¹²⁴⁷ Cal-Am Opening Comments on the Proposed Decision at 14; Proposed Decision at 53,68 (FOF 56).

²⁵²²⁴⁸ Cal-Am Opening Comments on the Proposed Decision at 14.

modify the language related to this phrasing reasonable and modify the decision accordingly.

Eighth, the City of Marina request the proposed decision's language linking the updated supply and demand estimates for the MPWSP to the Amended WPA is confusing and may undermine the decision's approval of the Amended WPA.²⁵³²⁴⁹ We agree with City of Marina's recommendation and revise the decision accordingly.

10. Assignment of Proceeding

Darcie L. Houck is the assigned Commissioner and Zita Kline is the assigned ALJ and Presiding Officer in this proceeding.

Findings of Fact

1. The previously authorized 6.4 mgd desalination plant, for which the Commission issued a CPCN in D.18-09-017, was not built by December 31, 2021.
2. A CDP is needed from the CCC as well as the City of Marina prior to construction of the 6.4 mgd desalination plant.
3. By letter dated February 8, 2022, the CCC continues to find the CDP for the 6.4 mgd desalination plant incomplete because it requires additional information on the outfall for discharge of effluent from the 6.4 mgd desalination plan, which is owned and operated by M1W.
4. M1W does not agree to a design for the outfall of the 6.4 mgd desalination plant and declines to conduct the necessary environmental review for the outfall or apply for the necessary permits needed for the outfall until the Commission approves the Amended WPA.

²⁵³²⁴⁹ City of Marina Opening Comments on the Proposed Decision at 9.

5. The City of Marina has not approved a CDP needed for liner work on the outfall for discharge of effluent needed for construction of the 6.4 mgd desalination plant.

6. The currently projected average five-year production supply is inadequate to meet the five-year average customer demand of the Cal Am customers on the Monterey Peninsula without an additional source of water.

7. In D.18-09-017, the Commission indicated that in the event that the 6.4 mgd desalination plant was not expected to be completed by December 31, 2021, the Commission allowed Cal-Am to submit an application for approval of a WPA for the PWM Expansion Project, for up to 2,250 AFY, through an application which included the following: (1) sources of supply water; (2) development costs; (3) prices for sales of the developed water; (4) contractual details; (5) environmental effects; (6) potential to obtain necessary permits; (7) water quality; (8) sources of funding; (9) possible related facilities; and (10) other information necessary and relevant for the Commission to make an informed, just and reasonable decision, including details as to supply and production, including not only during average rainfall years but also during a multi-year drought and the timing of expanded production.

8. Under the Original WPA, M1W was contracted to provide 3,500 AFY of water.

9. The PWM Expansion Project requires 3,081 AFY of water to provide an additional 2,250 AFY of purified recycled water.

10. M1W requires a total of 7,874 AFY to generate the 5,750 AFY of purified recycled water contracted under the Amended WPA.

11. M1W's total available source water for production of purified recycled water under the Amended WPA is 11,104 AFY.

12. The sources of supply water identified by M1W and the MPWMD will be sufficient to meet the 5,750 AFY of purified recycled water contracted under the Amended WPA. The Commission will make a separate determination regarding the sufficiency of these sources for long-term water supply planning purposes for the MPWSP in Phase 2 of this proceeding.

13. The PWM Expansion Project requires M1W and MPWMD to construct new and expanded facilities, including improvements at the existing Advanced Water Purification Facility to increase peak capacity; additional product water conveyance facilities; additional injection well facilities; additional monitoring wells, including the relocation of a previously approved monitoring well; and new potable water extraction and delivery facilities consisting of four new extraction wells, conveyance pipelines, and treatment facilities.

14. The PWM Expansion Project includes construction of the following Cal-Am Company-related facilities: (a) EW-1, EW-2, and water treatment facilities; (b) EW-3, EW-4, and associated piping; (c) the Carmel Valley Pump Station; and (d) the General Jim Moore Parallel Pipeline.

15. M1W's and MPWMD's total combined estimated development costs for facilities necessary to increase production of purified recycled water under the Amended WPA is \$49.2 million.

16. M1W's and MPWMD's estimated cost of purchased water is \$3,429/AF for the 2024/2025 fiscal year.

17. The annual cost of water under the Amended WPA is expected to escalate by 6% or more each year in the near-term.

18. The Amended WPA increases Cal-Am's treated water allotment from 3,500 to 5,750 AFY over a 30-year term, upon operation of the PWM Expansion Project.

19. Under the Amended WPA, Cal-Am has an option to extend the agreement for up to 10 years.

20. The Amended WPA provides for performance guarantees in the event that the PWM Expansion Project fails to deliver 5,750 AFY of water, allowing MPWMD to owe Cal-Am a shortfall of water, which it can use to offset the cost of drawing replacement water from the Seaside Basin.

21. The terms of the Amended WPA give Cal-Am a right to terminate the Amended WPA in the event M1W and MPWMD fail to deliver the additional 5,750 AFY of water by February 1, 2026, or if the MPWMD fails to meet performance guarantees.

22. Operative Provision Number No. 16 is extended under the Amended WPA to allow Cal-Am to pay only: (1) the cost of water it receives and can use, (2) to pay for water based on the actual cost of water and (3) to pay only its proportionate costs.

23. The Amended WPA also extends budgeting provisions approved in Operative Provision No. 15 and ratemaking provisions in General Provision No. 18 of the Original WPA.

24. The PWM Expansion Project, which includes proposed construction of Cal Am's facilities, including water extraction wells, treatment facilities, and conveyance piping, constitutes a "project" for purposes of environmental review under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000, *et seq.*

25. M1W is the lead agency under CEQA for the PWM Expansion Project because the project is located in the M1W service area and M1W is undertaking the construction of the project, in partnership and with funding from MPWMD and Cal-Am.

26. The Commission is a responsible agency under CEQA.

27. The Commission reviewed and considered the environmental compliance documents filed by the parties, including the SEIR.

28. M1W issued an SEIR for the PWM Expansion Project in 2021 which identified a number of environmental effects of the project and identified mitigation measures for most effects.

29. The mitigation measures associated with the construction of Cal-Am's facilities are detailed in the following sections of the attached Appendix C, SEIR's mitigation and monitoring plan: AE-2, AE-3, AE-4, AQ-1, BT-1a to BT-1d, BT-1f, BT-1h to BT-1k, BT-1m, BT-4, CR-2b, CR-2c, EN-1, NV-1a, NV-1c, NV-1e, NV-1f, NV-2, PS-3, TR-2, TR-3, and TR-4.

30. The SEIR identified that the impact of construction noise and the secondary effects of growth inducement either would or could remain significant following mitigation measures described in the SEIR.

31. The SEIR evaluated alternatives, including a no project alternative, and adopted a statement of overriding consideration finding that the benefits of the PWM Expansion Project outweighed the significant adverse environmental effects that are not mitigated to less than significant levels.

32. M1W and Cal-Am must obtain a number of state and local permits to construct and operate facilities necessary to provide 2,250 AFY of additional

purified treated water under the Amended WPA, as enumerated in Section 6.6 of this decision and the attached Appendix D.

33. To be deemed potable, wastewater requires treatment for virus and microbe reduction pursuant to CCR title 22 Section 60320.208.

34. The underground retention time between the M1W injection wells and ASR-1 is insufficient to meet the requirements of CCR Title 22, Article 5.2, Section 60320.208(a).

35. Water samples collected from well ASR-4 on June 16, 2021, and July 6, 2021, contained concentrations of mercury above the maximum contamination level set by SWRCB.

36. M1W and MPWMD require the Amended WPA to secure financing for the PWM Expansion Project.

37. MW1 and MPWMD expect the annual debt of \$2.1 million to service the loan would be paid by the sale of treated water to Cal-Am.

38. EW-1 and EW-2 are proposed extraction wells, located in an easement on a portion of the Monterey Peninsula Unified School District property at Seaside Middle School.

39. Cal-Am plans to use wells EW-1 and EW-2 as the new, primary extraction point for PWM Expansion Project treated water.

40. EW-1 and EW-2 are both in the permitting and design phase, with construction expected to start in the second quarter of 2023, and operation expected by the end of the third quarter of 2024.

41. EW-3 and EW-4 are located on U.S. Army land, in the same location as ASR wells ASR-5 and ASR-6.

42. With the loss of ASR-1 for groundwater extraction in September 2021, wells EW-3 and EW-4 could be used to replace ASR-1 as a groundwater extraction point for the PWM Project, increase reliability of groundwater extraction, and free up existing ASR wells (ASR-1 to ASR-4) for simultaneous injection of Carmel River water during the wet season.

43. EW-3 and EW-4 are both in the permitting and design phase, with construction expected to start in the fourth quarter of 2022 and operation expected by the end of the first quarter of 2025.

44. The purpose of the Carmel Valley Pump Station is to pump water from the Forest Lake reservoirs to the Upper Carmel Valley.

45. The Carmel Valley Pump Station was first proposed by Cal-Am as the Valley Greens Pump Station for a public-private partnership called the Regional Desalination Project.

46. The Parallel Pipeline is a 7,000-foot pipeline measuring 36-inches in diameter.

47. The Parallel Pipeline was designed to carry water from the ASR-1/ ASR-2 facility to the Hilby Pump Station.

48. A 1,100-foot section of the Transfer Pipeline is included in Cal-Am's recovery request for the Parallel Pipeline.

49. The 1,100-foot section of the Transfer Pipeline connects the ASR-1/ ASR-2 facility with the ASR-3/ ASR-4 facility.

50. Cal-Am records the costs of the MPWSP in the MPWSP Phase 1 Project Costs Memorandum Account.

51. The PWM Expansion Project will help reduce pumping from the Salinas Groundwater Basin, reduce runoff into the Monterey Bay, reduce pollutant loads

to the lower Salinas watershed, and help combat seawater intrusion into local groundwater aquifers.

52. The PWM Expansion Project helps relieve Cal-Am's reliance on the Carmel River, thereby helping Cal-Am comply with the SWRCB's cease and desist order.

53. The Company-related facilities will be used and useful when they are in use and providing service (*i.e.* operational).

54. The cost cap for all four Company-related facilities includes costs starting as early as 2011.

55. Early 2011 through summer of 2014 corresponds to the period when Cal-Am initially planned to complete Phase 1 of its Regional Desalination Project.

56. From 2012 to the present day, Cal-Am pursued the MPWSP, some elements of which are still ongoing.

57. The Parallel Pipeline was not contemplated as part of either the Regional Desalination Project or the MPWSP.

58. There is no basis for allocating 12% of common actuals through October 2021 to the Parallel Pipeline.

59. The PWM Expansion Project, including all four extraction wells, was rejected by the Commission in D.18-09-017, and excluded from the MPWSP prior to this application.

60. The environmental review for the PWM Expansion Project SEIR and the rest of the MPWSP were conducted separately.

61. There is no basis for allocating 28% of common actuals through October 2021 to the EW-1/EW-2 facility.

62. Wells EW-3 and EW-4 are sited in the same location as wells ASR-5 and ASR-6, which were approved for the ASR project as part of the MPWSP but never built.

63. Common actuals for the MPWSP through 2021 allocated to wells ASR-5 and ASR-6 did not provide a benefit for ratepayers because they were never built.

64. The current purpose of the Carmel Valley Pump Station remains the same as its original purpose, as approved in the Regional Desalination Project and the MPWSP, *i.e.*, to pump water to parts of the Monterey System affected by the SWRCB cease and desist order.

65. Cal-Am's actual financing costs consist of long-term debt and equity.

66. The PWM Expansion Project is expected to take an additional two to three years to complete.

67. The PWM Expansion Project is capital intensive.

68. Water quality permits have proven to be a significant risk to the success of the PWM Project and may continue to pose risks to the operation of the PWM Expansion Project.

69. The Commission authorized AFUDC rates for the Valley Greens Pump Station in D.10-12-016 and D.18-09-017.

70. Cal-Am included \$165,431 in labor overhead costs when calculating the AFUDC for the Company-related facilities.

71. Labor overhead is already included in the rates approved through Cal-Am's GRC.

72. Labor overhead approved in general rate cases does not accrue AFUDC.

73. Review of costs in Cal-Am's next applicable general rate case will allow for adequate record development for the Commission to evaluate costs for the Company-related facilities which are above the adopted cost cap.

Conclusions of Law

1. Because the 6.4 mgd desalination plant was not built by December 31, 2021, and sufficient water capacity is unlikely to be available to meet the near-term need for water for Cal-Am's customers on the Monterey Peninsula, it is necessary for the Commission to consider the PWM Expansion Project and the Amended WPA for the PWM Expansion Project as an alternative source of water for Cal-Am's customers on the Monterey Peninsula.

2. The PWM Expansion Project, including the Cal-Am Company-related facilities, and the Amended WPA are reasonable, prudent, and in the public interest and should be approved.

3. The ratemaking proposals for the Amended WPA, and related facilities, are reasonable.

4. Cal-Am's water supply and demand estimates support approval of the Amended WPA.

5. Cal-Am should be authorized to construct and operate the following Company-related facilities, as part of the PWM Expansion Project: (1) extraction wells EW-3 and EW-4, and related piping, (2) the General Jim Moore Parallel Pipeline and the 1,100-foot section of the Transfer Pipeline; and (3) the Carmel Valley Pump Station.

6. M1W's and MPWMD's estimated costs for the development of facilities necessary to increase production of purified recycled water under the Amended WPA are reasonable.

7. M1W's and MPWMD's estimated costs for purified recycled water under the Amended WPA are reasonable.

8. The SEIR for the PWM Expansion Project prepared by the lead agency, as required by CEQA, is adequate for our decision-making purposes.

9. The Commission should approve and adopt the mitigation measures associated with the construction of Cal-Am's facilities which are detailed in the following sections of the attached Appendix C, SEIR's mitigation and monitoring plan: AE-2, AE-3, AE-4, AQ-1, BT-1a to BT-1d, BT-1f, BT-1h to BT-1k, BT-1m, BT-4, CR-2b, CR-2c, EN-1, NV-1a, NV-1c, NV-1e, NV-1f, NV-2, PS-3, TR-2, TR-3, and TR-4.

10. There is compelling public health and safety need to meet the projected regional water supply demand; therefore, the Commission should adopt the statement of overriding considerations for the PWM Expansion Project, including the Company-related facilities.

11. The necessary water supply resulting from construction of the PWM Expansion Project merits approval of the Amended WPA as well as the PWM Expansion Project, including the Company-related facilities, notwithstanding the significant and unavoidable adverse impact of construction noise and the secondary effects of growth inducement.

12. Water quality requirements necessary to provide purified treated water under the Amended WPA should be monitored closely by M1W, MPWMD, and Cal-Am.

13. The sources of funding for the construction of M1W's and MPWMD's facilities are reasonable.

14. The purchase of treated water under the Amended WPA is just, reasonable, and in the public interest.

15. The Company-related facilities will be used and useful when they start to provide service.

16. A cost cap of \$16,723,704 for the EW-1/EW-2 facility is reasonable.

17. A cost cap of \$30,220,960 for the EW-3/EW-4 facility is reasonable.

18. A cost cap of \$8,264,655 for the Parallel Pipeline facility is reasonable.

19. A cost cap of \$6,475,000 for the Carmel Valley Pump Station facility is reasonable.

20. The labor overhead should be removed from AFUDC calculations.

21. The weighted-average-cost-of-debt should be used to calculate the AFUDC for the EW-1/EW-2 facility, the EW-3/EW-3 facility, and the Parallel Pipeline.

22. The AFUDC rate for the Carmel Valley Pump Station should be authorized at the rate approved in D.10-012-016, from the effective date of this decision to the effective date of D.18-09-017.

23. The weighted average cost for the Carmel Valley Pump Station should be authorized at the AFUDC rate authorized in D.18-09-017 from the effective date of this decision to the present.

24. Cal-Am should record costs for the PWM Expansion Project in a subaccount of the MPWSP Phase 1 Project Costs Memorandum Account called the "PWM Expansion Project Costs Memorandum Account."

25. Cal-Am should seek recovery of costs above the cost caps for the Company-related facilities through the next applicable GRC.

26. The reasonableness of costs for common actuals for the MPWSP not approved in this application should be considered in an application filed by Cal-Am or reviewed through a Commission Order Instituting Investigation in the event the desalination plant is not implemented in a timely manner or fails to operate appropriately.

27. All rulings and orders issued to date by the assigned Commissioner and the assigned ALJ should be affirmed.

28. All pending motions relating to issues in Phase 1 of this proceeding, not expressly addressed by the assigned ALJ or assigned Commissioner should be deemed denied.

29. This proceeding should remain open to consider Phase 2 issues.

O R D E R

IT IS ORDERED that:

1. California-American Water Company is authorized to enter into the Amended and Restated Water Purchase Agreement, attached to this decision as Appendix A.

2. California-American Water Company (Cal-Am) shall actively participate in each Monterey One Water (M1W) and Monterey Peninsula Water Management District (MPWMD), or their successor entities, rate proceedings involving the Amended and Restated Water Purchase Agreement (Amended WPA), attached to this decision as Appendix A. Cal-Am shall serve and file its written comments to the M1W or MPWMD proposal in the applicable rate proceeding(s). Cal-Am's written comments shall identify any and all concerns of Cal-Am with M1W's and MPWMD's proposals and provide alternative recommendations, if appropriate. If Cal-Am has no concerns, Cal-Am, in its

written comments, shall state that it has no concerns. At the time Cal-Am serves and files its comments on the service list of the rate proceeding at issue, including M1W or MPWMD, Cal-Am shall simultaneously serve an electronic copy of the comments on the Commission's Director of Water Division and the service list of this proceeding.

3. California-American Water Company is authorized to construct and operate the following Company-related facilities: (1) extraction wells EW-1 and EW-2, and the chemical treatment facility; (2) extraction wells EW-3 and EW-4, and related piping; (3) the General Jim Moore Parallel Pipeline and the 1,100-foot section of the Transfer Pipeline; and (4) the Carmel Valley Pump Station.

4. California-American Water Company must file a "Response to Inquiry" within 30 days of the issuance date of this decision, providing additional information discussing the extent of mercury above maximum contamination levels in the vicinity of ASR-4, the potential for mercury to impact extracted water from the EW-1/EW-2 site, any proposal to treat the mercury, and the potential cost impacts from mercury treatment as a Tier 3 advice letter to the California Public Utilities Commission's Water Division within 30 days of the issuance date of this decision. Water Division is directed to increase the cost cap herein authorized for the EW-1/EW-2 facility, as reasonable, to address additional remediation measures.

5. The Mitigation Monitoring and Reporting Plan, attached to this decision as Appendix C, is adopted.

6. California-American Water Company (Cal-Am) shall carry out the following identified mitigation measures associated with the construction of Cal-Am's facilities which are detailed in the attached Appendix C: AE-2, AE-3,

AE-4, AQ-1, BT-1a to BT-1d, BT-1f, BT-1h to BT-1k, BT-1m, BT-4, CR-2b, CR-2c, EN-1, NV-1a, NV-1c, NV-1e, NV-1f, NV-2, PS-3, TR-2, TR-3, and TR-4.

7. California-American Water Company (Cal-Am) is authorized to construct wells EW-3, EW-4, and the associated pipelines, on condition that Cal-Am complies with the following identified mitigation measures associated with the construction of Cal-Am's facilities which are detailed in the attached Appendix C: AE-2, AE-3, AE-4, AQ-1, BT-1a to BT-1d, BT-1f, BT-1h to BT-1k, BT-1m, BT-4, CR-2b, CR-2c, EN-1, NV-1a, NV-1c, NV-1e, NV-1f, NV-2, PS-3, TR-2, TR-3, and TR-4.

8. California-American Water Company is authorized to track direct costs for the four Company-related facilities, including the allowance for funds used during construction, in a subaccount of the Monterey Peninsula Water Supply Project Phase 1 Costs Memorandum Account called the "PWM Expansion Project Costs Memorandum Account."

9. California-American Water Company shall submit a Tier 1 Advice Letter to the Commission's Water Division within 30 days of the date of issuance of this decision requesting to establish the PWM Expansion Project Costs Memorandum Account for the purpose of tracking PWM Expansion Project costs.

10. Within 60 days after operation commences at any of the Company-related facilities approved in this decision, California-American Water Company shall notify the Director of the Commission's Water Division by electronic letter indicating that the facility is completed and fully in service.

11. Within 60 days of notifying the Commission's Water Division of facility operation, California-American Water Company (Cal-Am) shall seek recovery of the costs of Company-related facilities up to the following cost caps using a Tier

2 Advice Letter: (1) \$16,723,704 for extraction wells EW-1 and EW-2, and the chemical treatment facility; (2) \$30,220,960 for extraction wells EW-3 and EW-4 and related piping; (3) \$8,264,655 for the General Jim Moore Parallel Pipeline and the 1,100-foot section of the Transfer Pipeline; and (4) \$6,475,000 for the Carmel Valley Pump Station. Cal-Am's Tier 2 AL filing shall provide the following: (1) a description of the facilities that are used and useful; (2) whether the costs are reasonable; and (3) whether the facilities are appropriately sized.

12. California-American Water Company is authorized to seek recovery for the additional costs incurred subsequent to October 2021, when the costs exceed the rate caps adopted for the Company-related facilities, through the next applicable general rate case.

13. All rulings issued to date by the assigned Commissioner and the assigned Administrative Law Judge in this proceeding are affirmed.

14. All pending motions relating to issues in Phase 1 of this proceeding, not expressly addressed by the assigned Administrative Law Judge or assigned Commissioner are denied.

15. Application 21-11-024 remains open to resolve Phase 2 issues.

This order is effective today.

Dated _____, at Chico, California.

[Attachment 1:](#)

[\(Redline\) A.21-11-024 Decision Authorizing California-American Water Company.pdf](#)

Attachment 2:

(Rev. 1) A.21-11-024 Appendices.pdf

Document comparison by Workshare Compare on Tuesday, November 29, 2022
1:29:02 PM

Input:	
Document 1 ID	file:///C:/Users/SGU/Desktop/PD's/5. A.21-11-024 12-1 Meeting (HELD)/Original (REV. 1).docx
Description	Original (REV. 1)
Document 2 ID	file:///C:/Users/SGU/Desktop/PD's/5. A.21-11-024 12-1 Meeting (HELD)/(Rev. 2) A.21-11-024 Decision Authorizing California-American Water Company.docx
Description	(Rev. 2) A.21-11-024 Decision Authorizing California-American Water Company
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	439
Deletions	449
Moved from	0
Moved to	0
Style change	0
Format changed	0

Total changes	888
---------------	-----